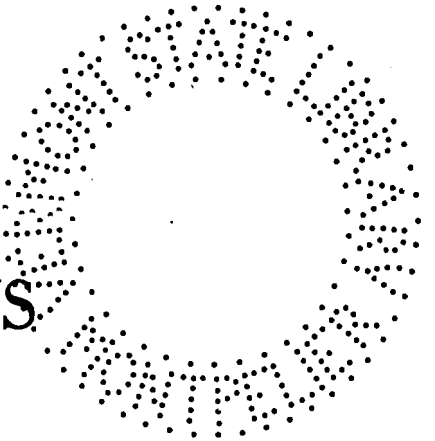


LAWS

OF THE

TERRITORY OF HAWAII

PASSED BY THE

LEGISLATURE

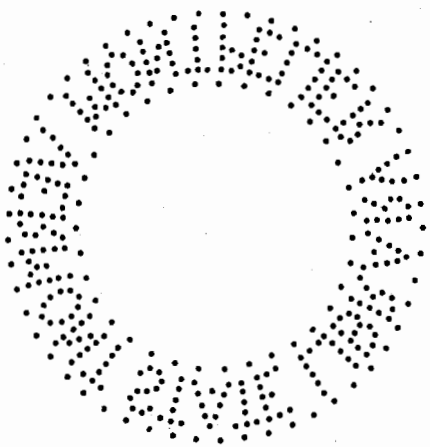
AT ITS

REGULAR SESSION

1913

PUBLISHED BY AUTHORITY

HONOLULU, T. H.
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ERRATA.

On page 97, line 2 of the short title, "Kolihi-waena Park" should read "Kalihi-waena Park."

On page 98, line 1 of the short title, "Kolihi-waena Park" should read "Kalihi-waena Park."

On page 123, line 8, "wth" should read "with."

On page 127, line 1, the word "such" should begin with a capital letter.

On page 194, the short title should read "Act 131. Street Improvement Assessment."

LAWS

OF THE

TERRITORY OF HAWAII

ACT 1

AN ACT

To Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1913 from the Public Treasury.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There shall be and hereby is appropriated the sum of TWENTY-SIX THOUSAND DOLLARS ($26,000.00) from the Public Treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1913.

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of February, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 2. Defraying Expenses Senate.
Act 3. Settlement "Chinese Fund" Claims.

ACT 2

AN ACT

To Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii for the Year 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There shall be and hereby is appropriated the sum of Twenty-Three Thousand Dollars ($23,000.00) from the Public Treasury for the purpose of defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1913.

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of February, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 3

AN ACT

To Provide for the Settlement of Claims to the "Chinese Fund."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of $17,925.80, or so much thereof as may be necessary, is hereby appropriated from moneys in the

Treasury received from the general revenues for the payment of claims to the "Chinese Fund" in the manner and subject to all the terms and conditions set forth in an Act approved April 28, 1903, to provide for the care, custody, control and payment of the money known as the "Chinese Fund."

SECTION 2. All claims to moneys in or contributed to said "Chinese Fund" or appropriated by this Act which shall not have been presented before July 1, 1914, for certification as provided in said Act of April 28, 1903, shall be forever barred.

SECTION 3. When such of said claims as shall be duly presented and certified in accordance with the provisions of said Act of April 28, 1903, and of this Act shall have been paid, the unexpended balance of the appropriation made by this Act shall lapse.

SECTION 4. This Act shall take effect upon its approval.

Approved this 4th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 4

AN ACT

AMENDING ACT 104 OF THE SESSION LAWS OF 1911, RELATING TO CIRCUIT COURT EXPENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 104 of the Session Laws of 1911 is hereby amended by substituting the following for the

portion thereof following the words "Fourth Circuit Court" and preceding the words "Fifth Circuit Court."

Clerk ($150.00)	$1,800.00
Stenographer ($140.00)	1,680.00
Assistant Clerk, Interpreter and Messenger ($115.00)	1,380.00
Court Expenses	7,000.00
Law Books	500.00
Support, Juvenile Court Dependents	500.00
Probation Officer ($75.00)	900.00

SECTION 2. This Act shall take effect on July 1st, 1913.

Approved this 4th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 5

AN ACT

RELATING TO EXCUSING JURORS AFTER SERVICE, AMENDING SECTION 1775 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1775 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1775. Panel excused when. Any circuit court or judge may, whenever it shall deem proper and necessary so to do, having regard to the length of the term thereof and equit-

able distribution of the duties of jurors, excuse any panel or number of jurors, after service, and order another panel or additional jurors to be drawn as nearly as may be as in this chapter provided to complete the business of the term."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 4th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 6

AN ACT

TO AMEND ACT 21 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT FOR THE PREVENTION OF CRUELTY TO CHILDREN."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 21 of the Session Laws of 1907, entitled "An Act for the Prevention of Cruelty to Children," is hereby amended by adding thereto a section which shall be known as "Section 1a," as follows:

"Section 1a. Jurisdiction to hear and determine cases arising under this Act is hereby conferred upon District Magistrates and upon Circuit Judges sitting as Juvenile Courts, with a right of appeal to a jury, as provided by law in cases triable before a District Magistrate."

Act 6. Cruelty to Children.
Act 7. Use of Public Schools.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 4th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 7

AN ACT

TO REGULATE THE USE OF THE PUBLIC SCHOOLS IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the fullest freedom shall be given to citizens of the Territory of Hawaii to use for lawful purposes all public school buildings throughout the Territory during the hours such structures are not in use for strictly educational purposes; providing, however, the person or persons vested with the proper authority by the Board of Supervisors, in whose jurisdiction any such building shall be, shall issue a permit to the applicant, when the proposed use is shown to be lawful by the said applicant.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 6th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 8

AN ACT

To Amend Section 2207 of the Revised Laws of Hawaii, as Amended by Act 42 Session Laws of 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2207 of the Revised Laws of Hawaii, as amended by Act 42 Session Laws of 1907 is hereby amended to read as follows:

"Section 2207. Requisites of Contract. In order to make valid the marriage contract, it shall be necessary that the respective parties be not related to each other nearer than in the fourth degree of consanguinity; that the male at the time of contracting the marriage shall be at least eighteen years of age, and the female at least fifteen years of age; that the man shall not at the time have any lawful wife living and that the woman shall not at the time have any lawful husband living; and it shall in no case be lawful for any persons to marry in this Territory without a license for that purpose duly obtained from the agent duly appointed to grant licenses to marry in the judicial district in which the marriage is to be celebrated."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 8th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 9

AN ACT

TO AMEND SECTION 1793 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 38 OF THE SESSION LAWS OF 1907, RELATING TO "JURIES AND TRIAL BY JURY."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1793 of Chapter 119 of the Revised Laws of Hawaii, as amended by Act 38 of the Session Laws of 1907, is hereby amended so as to read as follows:

"Section 1793. Amount. The pay of jurors in courts of record shall be, for actual attendance at court, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance, provided, however, that jurors residing ten miles or more from the court shall be paid three dollars per day for each day that they shall report in person to the clerk of the court and for the distance necessarily travelled from their residence in going to and returning from said court by the shortest practicable route, five cents a mile."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 10th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 10

AN ACT

TO AMEND SECTION 2296, CHAPTER 149, OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2296, Chapter 149, of the Revised Laws of the Territory of Hawaii, be and the same is hereby amended to read as follows:

"Section 2296. NOMINATION AND APPOINTMENT. If the minor is under the age of sixteen years, the judge may nominate and appoint his guardian, and if he is above the age of sixteen years, he may nominate his own guardian, who, if approved of by the judge, shall be appointed accordingly, and if the guardian nominated by such minor shall not be approved by the judge, or if the minor shall reside without the Territory, or if after being cited by the judge he shall neglect to nominate a suitable person, the judge may nominate and appoint the guardian, in the same manner as if the minor were under the age of sixteen years."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 11th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 11

AN ACT

To Authorize the Appointment of a Commission to Compile the Statute Laws of the Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. A Commission of three persons, to be designated as the Compilation Commission, is hereby constituted and authorized to compile all the statute laws of the Territory of Hawaii as they shall exist after the adjournment of this session of the Legislature.

Section 2. In making such compilation, statutes obviously inconsistent with the Constitution of the United States or the Act to provide a Government for the Territory of Hawaii shall not be included, and of two or more statutes which are obviously repugnant to each other, the statute last enacted alone shall be included.

Section 3. Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, the latter only shall be included.

Section 4. Where a statute is repugnant to the Constitution of the United States or the Act to provide a Government for the Territory of Hawaii in part only, it may be modified so as to conform thereto.

Section 5. Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter, the first named statute may be modified so as to refer to such new statute in place of such repealed statute.

SECTION 6. Mistakes of omission or erroneous reference to other statutes or other mistakes, obviously made through oversight or accident in the original statutes, may be corrected.

SECTION 7. Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and, where any statute or any part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 8. The compilation shall include a complete index, and as a prefix the Act to provide a Government for the Territory of Hawaii, and head notes expressing the substance of each section of said compilation; notes stating briefly the date of the original enactment of each section and of the amendment or amendments thereof, if any, and where, if at all, the same is found in previous compilations; also notes citing decisions, if any, published in the United States Supreme Court Reports, the Federal Reporter, the United States District Court for the Territory of Hawaii Reports, the Hawaiian Supreme Court Reports and the Opinions of the United States Attorney General construing or relating to the subject matter of each session.

SECTION 9. Any departure or change in the letter of existing statutes made under the provisions of this Act, either by way of alteration or omission, shall be noted as near as may be to the statutes affected thereby.

SECTION 10. The said compilation shall be printed and bound and shall be presented by the Commission to the Legislature at its next regular session; provided, however, that when said compilation is completed the Secretary of the Territory shall cause such a number of copies thereof as to him may seem necessary to be printed and bound, which, when so printed and bound, may be furnished by him free of charge to Government officials for official use, and may be sold by him at Ten Dollars ($10.00) a volume for the benefit of the Territory.

SECTION 11. The said Commission may recommend in a separate report such other changes not herein authorized to be made, in the said compilation, as it may deem advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 12. All the members of the said Commission shall be attorneys admitted to practice in the Supreme Court of the Territory, and one of them may be a Judge of the Supreme or Circuit Courts. They shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate.

SECTION 13. The members of said Commission shall be compensated in the sum of Nine Thousand Dollars ($9,000), and the said sum is hereby appropriated for that purpose.

The sum of Ten Thousand Dollars ($10,000) is hereby appropriated for clerk hire and the printing of the compilation and the report as above described for presentation to the next Legislature.

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 11th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 12

AN ACT

To Appropriate Money for the Purpose of Paying the Enlisted Men of the National Guard of Hawaii Who Participated in the Encampment Held at "Camp Damon," Oahu, from August 29th to September 2nd, 1912.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That the sum of three thousand eighty-seven dollars and fifty cents ($3,087.50) shall be and hereby is appropriated out of the moneys in the Treasury received from the current revenues for the purpose of paying the enlisted men of the National Guard of Hawaii who participated in the encampment held at "Camp Damon," Oahu, from August 29th to September 2nd, 1912. Provided, however, that no moneys shall be paid out of the foregoing appropriation except directly to the enlisted men of the National Guard entitled thereto, or to their heirs.

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 11th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 13

AN ACT

MAKING APPROPRIATION FOR THE BENEFIT OF JUDGE JACOB HARDY.

WHEREAS, The Honorable JACOB HARDY has retired from the position of Circuit Judge of the Fifth Judicial Circuit of the Territory of Hawaii; and

WHEREAS, The said Honorable JACOB HARDY has filled the said position most faithfully and honorably for a period of fifty years; and

WHEREAS, He is one of the most honored and respected citizens and jurists of Hawaii nei, and in recognition of his most valuable and honored services;

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon warrants issued by the Auditor of the Territory, the sum of one hundred and twenty-five ($125.00) dollars each month to Judge JACOB HARDY, and to continue so to do for and during the remainder of his life; such payments are hereby appropriated out of moneys received in the Treasury of the Territory from the General Revenues.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 14

AN ACT

To Regulate the Hours of Labor of Female Children Under the Age of Sixteen Years.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. No minor female child under the age of sixteen years shall be permitted to work in any mercantile institution, office, laundry, manufacturing establishment, canning establishment, sugar mill, work shop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, between the hours of nine o'clock in the evening and six o'clock in the morning.

Section 2. Any person who employs any such child at any of the aforesaid employments or occupations within the hours specified in the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty nor more than Two Hundred Dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Section 3. This Act shall take effect from and after the date of its approval.

Approved this 14th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 15

AN ACT.

To Amend Section 1772 of the Revised Laws of Hawaii, Relating to Exemptions from Jury Duty.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1772 of the Revised Laws is hereby amended to read as follows:

"Section 1772. Exempt when. A person is exempt from liability to act as a juror if he is:

1 Over sixty years of age;

2. An attorney at law;

3. A salaried judicial, civil or military officer of the United States or of the Territory of Hawaii;

4. A person holding a salaried county, city, town, municipal, township, district or precinct office;

5. A minister of the gospel, or a priest of any denomination, following his profession;

6. A teacher in a university, college, academy, school, or other place or institution of learning;

7. A practicing physician, surgeon or dentist, or a druggist actually engaged in the business of dispensing medicines;

8. An officer, keeper or attendant of an alms-house, hospital or asylum;

9. A person engaged as an officer or attendant of the Territorial penitentiary or prison, or a county, city or municipal jail;

10. A person employed on board of a vessel navigating the waters of or between the islands of this Territory, or on board of a vessel engaged in the coasting trade, or plying between any port of the United States and a port in a foreign country;

11. An express agent or mail carrier, or a superintendent, employee or operator of public telegraph or telephone lines or apparatus for radio-communication;

12. A member of the Territorial militia when on active service, or an active member of a fire department of any village, town, city or other place in this Territory;

13. A superintendent, engineer, conductor, or motorman, on any public railroad or street railway;

14. A superintendent, special machine operator or principal foreman working on any public works contract for the United States Government, the Territory or any political subdivision thereof, which may carry a time limit penalty."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 16

AN ACT

To Amend Section 2450, Revised Laws of Hawaii, Relating to Conveyances of Registered Land.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2450, Revised Laws of Hawaii, is hereby amended so as to read as follows:

"Section 2450. Procedure. An owner desiring to convey in fee his registered land or any portion thereof shall execute a deed of conveyance, which the grantor or the grantee may present to the assistant registrar in the district where the land lies; provided, however, that it shall not be lawful for the Assistant Registrar to accept for registration any deed, mortgage, lease or other voluntary instrument, unless a reference to the number of the Certificate of Title of the land affected by any such instrument, shall be incorporated in the body of the instrument tendered for registration.

The grantor's duplicate certificate shall be produced and presented at the same time. The assistant registrar shall thereupon, in accordance with the rules and instructions of the court, make out in the registration book a new certificate of title to the grantee, and shall prepare and deliver to him an owner's duplicate certificate. The assistant registrar shall note upon the original and duplicate certificates the date of transfer, the volume and page of the registration books where the new certificate is registered, and a reference by number to the last prior certificate. The grantor's duplicate certificate shall be surrendered, and the word "canceled" stamped upon it. The original certificate shall also be stamped "canceled." The deed of conveyance shall be filed and indorsed with the number and place of registration of the certificate of title of the land conveyed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 17

AN ACT

TO AUTHORIZE THE COMMISSIONER OF PUBLIC LANDS TO PAY OVER TO THE FORMER OWNERS OF CERTAIN LANDS GRANTED TO THE TERRITORY FOR HOMESTEAD AND SETTLEMENT PURPOSES THE MONEYS RECEIVED FROM THE SALE OR DISPOSITION OF SAID LANDS.

WHEREAS, by deeds dated August 27, 1912, November 15, 1912, and December 20, 1912, respectively, the Haiku Sugar Company, the Central Mill Company, Limited, H. A. Baldwin, F. F. Baldwin, W. D. Baldwin, J. P. Cooke and S. A. Baldwin, as Trustees under the Will of Henry P. Baldwin, deceased, and the Maui Railroad and Steamship Company, conveyed to the Territory of Hawaii certain lands at Hamakualoa, County of Maui, Territory of Hawaii, containing an approximate area of 1012 acres for homestead or settlement purposes in any manner permitted by and in all respects subject to all applicable provisions and restrictions contained in the laws relating to public lands in the Territory of Hawaii, and subject to certain other conditions particularly set forth in said deeds; and

WHEREAS, as a part of the same transaction and in consideration thereof the Territory of Hawaii through its officers agreed to pay over to the grantors in said deeds the moneys re-

ceived as rentals from or in payment for said land, including interest on deferred payments, or in lieu thereof, a like amount out of any funds which might come into the possession of said Territory; and

WHEREAS, the Territory thus acquired valuable lands for homestead and settlement purposes at a cost less than their actual value, and it is now deemed desirable to make express provision for payment to the grantors of the agreed price in order to remove any doubt as to the power of said officers to make said agreement for and on behalf of the Territory: THEREFORE,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All moneys received as rentals from and in payment for the lands and any portions thereof described in those certain conveyances to the Territory, recorded in the office of the Registrar of Conveyances in Honolulu in Book 372 at page 238, in Book 375 at page 304, and in Book 375 at page 330, respectively, including interest on deferred payments, shall be paid over from time to time as received to the grantors named in said conveyances. The Treasurer of the Territory shall keep all moneys received from these sources in a separate deposit and shall disburse the same on warrants drawn by the Auditor, issued only on approved vouchers of the Commissioner of Public Lands, and it shall be the duty of said Commissioner to prepare and approve monthly vouchers for all moneys received during the preceding calendar month.

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 18

AN ACT

To Provide for the Compilation and Publication of a Dictionary of the Hawaiian Language.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There is hereby appropriated out of the general revenues and set aside in the treasury, as a special fund, the sum of $10,000.00 for compiling, printing, binding and publishing in book form a dictionary of the Hawaiian Language, to be expended by the Board of Commissioners of Public Archives, the duty of which it shall be to supervise the work of compiling and publishing such dictionary, to determine the number of copies to be printed or bound and the prices at which they may be sold, to control the sale and to receive the proceeds thereof; provided, that in determining such prices the Board may take into consideration the demand for and salableness of such dictionary as well as the cost of the compilation, printing and binding thereof; and further provided, that the Board may distribute not more than twenty-five copies of the dictionary free of charge among the courts and executive departments of the Territory for the official use of such courts and departments.

Section 2. In such dictionary there shall be given the correct pronunciation of the ancient and modern Hawaiian words and phrases and their respective equivalents or meanings in the English language.

Section 3. All moneys received under the provisions of this Act shall be paid into the Treasury as a Government realization.

Section 4. This Act shall take effect upon its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 19. Limitation on Actions for Damages.
Act 20. Conveyance Portion of Registered Land.

ACT 19

AN ACT

To Amend Section 1, of Act 113, of the Session Laws of 1907 Limiting the Time Within Which Actions for Compensation for Damages or Injury to Persons or Property May Be Instituted.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1, of Act 113, of the Session Laws of 1907 is hereby amended to read as follows:

"Section 1. Actions for the recovery of compensation for damages or injury to persons or property must be instituted within two years after the cause of action accrued, and not after."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 20

AN ACT

To Amend Section 2451, Revised Laws of Hawaii, Relating to Conveyances of a Portion of Registered Land and the Filing of Plans of Same.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2451, Revised Laws of Hawaii, is hereby amended so as to read as follows:

"Section 2451. Portion of registered fee. When a deed in fee is for part only of the land described in a certificate of title the assistant registrar shall also enter a new certificate and issue an owner's duplicate to the grantor for the part of the land not included in the deed. In every case of transfer the new certificate or certificates shall include all the land described in the original and surrendered certificates; provided, however, that no new certificate to a grantee of a part only of the land shall be invalid by reason of the failure of the assistant registrar to enter a new certificate to the grantor for the remaining unconveyed portion, and provided, further, that in case the land described in a certificate of title is divided into lots, designated by numbers or letters, with measurements of all the bounds, and a plan of said land has been filed with the registrar and verified pursuant to section 2437 of the Revised Laws, and a certified copy thereof is filed with the Assistant Registrar bearing the same number as the application is given, and which plan is filed separately by such number, apart from the registration book containing the original certificate, but which certificate shall have endorsed thereon a reference to said filed plan, when the registered owner makes a deed or transfer in fee of one or more of such lots, the assistant registrar may, instead of cancelling such certificate and entering a new certificate to the grantor for the part of the land not included in the deed of transfer, enter on the original certificate and on the owner's duplicate certificate a memorandum of such deed of transfer, with a reference to the lot or lots thereby conveyed as designated on such plan, and that the certificate is cancelled as to such lot or lots; and every certificate with such memorandum shall be as effectual for the purpose of showing the grantor's title to the remainder of the land not conveyed as if the old certificate had been cancelled and a new certificate of such land had been entered; and such process may be repeated so long as there is convenient space upon the original certificate and the owner's duplicate certificate for making such memorandum of sale of lots."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 21

AN ACT

RELATING TO THE COURT OF LAND REGISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The court called the Court of Land Registration shall hereafter be called the Land Court, and Chapter 154 of the Revised Laws and all amendments thereof and all other laws are hereby amended so far as necessary in order to comply herewith.

SECTION 2. Section 2487 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2487. Payments for. There shall be paid to the registrar upon the original registration of land under this chapter, under absolute or qualified ownership, two-tenths of one per cent, and upon the entry of a certificate showing the title as registered owners in heirs or devisees one-tenth of one per cent of the assessed value of the real estate on the basis of the last assessment for taxation as an assurance fund."

SECTION 3. This Act shall take effect on the date of its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 22

AN ACT

To Amend Section 3089 of the Revised Laws of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3089 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 3089. Persons not authorized; punishment. Any person not authorized by law, who shall carry, or be found armed with any bowie-knife, sword-cane, pistol, air-gun, slung-shot, or other deadly weapon, shall be liable to a fine of not more than Two Hundred and Fifty Dollars and not less than Ten Dollars, or in default of payment of such fine, to imprisonment for a term not exceeding one year, nor less than three months, upon conviction for such offense, unless good cause be shown for having such dangerous weapon; and any such person may be immediately arrested without warrant by the high sheriff, or any sheriff, policeman, or other officer or person."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 23

AN ACT

TO AMEND SECTION 2913 REVISED LAWS OF HAWAII, RELATING TO ASSAULT AND BATTERY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2913 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2913. Assault with knife, sword-cane, etc. Whoever shall commit an assault or assault and battery on another with a knife, sword-cane, or any other weapon obviously and imminently dangerous to life, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not more than five years."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 24.

AN ACT

TO AMEND ACT 95 OF THE SESSION LAWS OF 1911, RELATING TO THE RELIEF OF PERSONS RELEASED FROM THE LEPER SETTLEMENT, AND FROM KALIHI HOSPITAL, KALIHI, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of $5,000.00 from the public treasury for the purpose of aiding indigent persons who have been segregated at the Leper Settlement on Molokai, or who have been discharged from the Kalihi Hospital at Kalihi, Oahu, and found free of the disease known as leprosy and ordered to leave the places before mentioned, which shall be drawn upon from time to time by the President of the Board of Health in such amounts as may be allowed by the Board of Health, for the relief of such persons.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 25

AN ACT

To Amend Section 28 of Act 39 of the Session Laws of 1905, as Amended by Act 87 of the Session Laws of 1911, Entitled "An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 28 of Act 39 of the Session Laws of 1905, as amended by Act 87 of the Session Laws of 1911, entitled "An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof," is hereby amended as follows:

"Strike out the figures '1200,' '1500' and '960' in lines 51, 52 and 53, and insert in lieu thereof, in line 51, '1380;' in line 52, '1680;' and in line 53, '1080;' so that the lines so amended will read as follows:

Deputy Sheriff of the District of Lahaina, '1380' a year;

Deputy Sheriff of the District of Wailuku, '1680' a year;

Deputy Sheriff of the District of Hana, '1080' a year."

Section 2. This Act shall take effect from and after July 1, 1913.

Approved this 24th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 26

AN ACT

MAKING IT A MISDEMEANOR TO DEFRAUD THE PROPRIETOR OR MANAGER OF A HOTEL, OR INN, AND PRESCRIBING THE PENALTY THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who obtains any food or accommodation at a hotel, or inn, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a hotel, or inn, by the use of any false pretense, or who after obtaining credit or accommodation at a hotel, or inn, absconds or surreptitiously removes his baggage therefrom without paying for his food or accommodations, shall be guilty of a misdemeanor. Any person convicted of this offense shall be punished by a fine of not more than One Hundred Dollars, or by imprisonment not to exceed Thirty days, or by both such fine and imprisonment.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 27

AN ACT

To Amend Section 3152, Revised Laws of Hawaii, as Amended by Act 32 of the Session Laws of 1907, Relating to Sexual Intercourse With Female Children.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 3152 of the Revised Laws of Hawaii, as amended by Act 32 of the Session Laws of 1907, is hereby further amended so as to read as follows:

"Section 3152. Sexual intercourse with a female under fifteen; punishment. Whoever shall be convicted of having sexual or carnal intercourse with any female in this Territory, under the age of fifteen years, shall be imprisoned at hard labor for not less than three nor more than ten years, in the discretion of the Court."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 28. Salary of Deputy Sheriff of Puna.
Act 29. Employment of Prisoners.

ACT 28

AN ACT

TO AMEND SECTION 28 OF CHAPTER 9 OF ACT 39 OF THE SESSION LAWS OF 1905, AS AMENDED BY SECTION 1 OF ACT 31 OF THE SESSION LAWS OF 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 31 of the Session Laws of 1911, amending Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, is hereby amended so that the following line:

"Deputy Sheriff of the District of Puna, $960.00 a year,"
shall read as follows:
"Deputy Sheriff of the District of Puna, $1080.00 a year."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 29

AN ACT

RELATING TO THE EMPLOYMENT OF PRISONERS OUTSIDE OF THE COUNTY AND CITY AND COUNTY JAILS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Prisoners who are serving sentence in any county or city and county jail shall not be employed outside of

the premises of such institution in any labor except for the Territory or a political or other subdivision thereof; provided, however, that charitable institutions may have the use and employment of such prisoners as the sheriff of the county or city and county shall deem it advisable to so allow.

SECTION 2. Any sheriff or other official violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 30

AN ACT

TO AMEND SECTION 64 OF ACT 119 OF THE LAWS OF 1907, RELATING TO THE REGULATION OF THE SALE OF INTOXICATING LIQUORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 64 of Act 119 of the Laws of 1907 is hereby amended so as to read as follows:

"Section 64. The Board of License Commissioners, or any wife, daughter, son, brother, sister, parent, guardian or employer of any person who by excessive use of intoxicating liquor injures his or her health, or endangers or interrupts the peace and happiness of his or her family, or becomes a public nuisance, may give written notice to any licensee not to sell or furnish

any intoxicating liquor to such person, and thereafter any licensee upon whom such a notice has been served, who sells, gives or in any manner furnishes any intoxicating liquor to such person shall be held liable in damage to such complainant upon suit brought in manner as mentioned in the last preceding section. Any person having actual knowledge that such a notice has been issued, who shall buy intoxicating liquor for any person concerning whom such notice has been issued, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars, or be imprisoned for not more than six months."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 31

AN ACT

FOR THE PROTECTION OF PERSONS FURNISHING MATERIALS AND LABOR FOR THE CONSTRUCTION OF PUBLIC WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every person who shall enter into a formal contract with the Territory for the construction or repair or any public building or other public work shall be required, before commencing work under such contract, to execute a bond, with good and sufficient sureties, for the due and faithful performance of the contract, and also for the prompt payment to all others for all labor and materials furnished by them to him and used in the prosecution of the work provided for in such con-

tract; and all persons who shall have furnished labor or materials used in the prosecution of such work and not paid for may intervene and be made parties to any action instituted by the Territory on such bond, and have their rights and claims adjudicated in such action, and judgment rendered thereon; subject, however, to the priority of the claim and judgment of the Territory. If the full amount of the liability of the sureties on said bond is insufficient to pay the full amount of said claims, then, after paying the full amount due the Territory, the remainder shall be distributed pro rata among said intervenors. If no suit shall be brought by the Territory within two months from the completion and final settlement of said contract, any person or persons who shall have furnished labor and materials as aforesaid shall, upon applying therefor, and furnishing an affidavit to the Superintendent of Public Works or other officer or officers representing the Territory in the matter of said contract that labor or materials for the prosecution of such work have been furnished by him or them, and that payment therefor has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be and are hereby authorized to bring suit in the name of the Territory in the circuit court of the circuit in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution. Provided, that where suit is instituted by any such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within four months after the performance and final settlement of said contract, and not later. And provided further, that where suit is so instituted by any such creditors, only one action shall be brought; and any creditor may file his claim in such action

and be made party thereto within four months from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The sureties on said bond may pay into court, for distribution among said creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said sureties may have had to pay to the Territory under the provisions of said bond, and upon so doing, the sureties shall be relieved from further liability. Provided, further, that in all suits instituted under the provisions of this Act, such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors; and in addition thereto, there shall, immediately upon the institution of said suit, be given notice by publication in some newspaper of general circulation, published in Honolulu, at least once a week for at least three successive weeks.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 32

AN ACT

To Add a New Section to the Revised Laws, to be Known as Section 1806A, Making Judgments of Circuit Courts Liens Upon Real Property.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. A new section is hereby added to the Revised Laws, to be known as Section 1806A, as follows:

"Section 1806A. Any money judgment or decree of a circuit court or circuit judge at chambers shall become a lien upon real property when a copy thereof, certified as correct by a clerk of the court where the same is entered, shall be recorded in the registry of deeds. When any such judgment shall be fully paid, the creditor or his attorney of record in the suit shall, at the expense of the debtor, execute, acknowledge and deliver to the debtor a satisfaction thereof, which may be recorded in said registry."

Section 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 33

AN ACT

To Amend Section 5 of Act 104, Session Laws of 1907, as Amended by Section 5 of Act 68, Session Laws of 1909, Entitled "An Act to Provide for the Protection of Birds Beneficial to the Forests of the Territory of Hawaii, and to Define the Same."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 5 of Act 104 of the Session Laws of 1907, as amended by Section 5 of Act 68 of the Session Laws of 1909, is hereby amended to read as follows:

"Section 5. To any person who shall furnish satisfactory evidence that he or she is a duly authorized agent of some scientific institution and is collecting birds, their nests or eggs, for such institution, or for private scientific study and not for sale, the Commissioners of Agriculture and Forestry of this Territory, or such agent as they appoint, may issue a permit to collect for such scientific purposes, a limited number of any species of beneficial and perching (Passerine) birds, (the number of each and any species that may be caught or killed being stated by the aforesaid Commissioners of Agriculture and Forestry, or the agent appointed by them), at any time between and including the first day of October and the last day of February next following, but at no other time whatsoever. Provided that no such permit shall be issued to any person to kill, catch, destroy or molest the Hawaiian goose (Nene), its nests, eggs or young."

Section 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 34. Kalawao District.
Act 35. Eminent Domain: Railroads.

ACT 34

AN ACT

To Include the Kalawao District Within the First Circuit for Judicial Purposes.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Kalawao District on the Island of Molokai shall be deemed to be included in the First Judicial Circuit for the purposes of appeal from the district magistrate and for all other judicial purposes, and Section 1637 of the Revised Laws and Act 84 of the Laws of 1909 and all other laws are hereby amended so far as necessary to comply herewith.

Section 2. This Act shall take effect on the date of its approval.

Approved this 27th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 35

AN ACT

To Amend Subsection 3 of Section 1 of Act 86 of the Session Laws of 1909, Relating to the Taking of Property by Railroad Companies Under Power of Eminent Domain.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subsection 3 of Section 1 of Act 86 of the Session Laws of 1909 is hereby amended to read as follows:

"3. At the time and place fixed in said last named notice, the railroad company may apply to any justice of the Supreme

Court of the Territory of Hawaii to nominate three persons to determine the amount of compensation to be paid to the owners or others interested therein, for the property to be taken, and each parcel thereof.

Upon such application, the justice shall appoint three disinterested persons for the purpose in said application set forth. Such persons shall be entitled to receive Five Dollars for each day's actual and necessary attendance, and their necessary expenses.

Upon the filing of any such application, the applicant shall deposit with the clerk of such court a sum of not less than One Hundred Dollars to cover the costs and expenses of the proceeding, out of which the justice shall be authorized to pay the appraisers for their services and reimburse them their expenses. Any moneys remaining in the hands of the clerk after deducting the costs and the amounts paid for such services and expenses shall be returned by the clerk to the applicant."

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 27th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 36

AN ACT

TO AMEND SUBSECTION NUMBER 4 OF SECTION 377 OF THE REVISED LAWS, RELATING TO THE BOARD OF AGRICULTURE AND FORESTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subsection Number 4 of Section 377 of the Revised Laws of Hawaii is hereby amended to read as follows:

"4. Rules and Regulations. To make rules and regulations and to amend the same from time to time in its discretion, sub-

ject to the approval of the governor, for and concerning the introduction, transportation and propagation of trees, shrubs and plants, and the preservation, protection, extension and utilizationof forests and forest reserves, both natural and artificial; for the quarantine, inspection, fumigation, disinfection, exclusion or destruction, either upon introduction into this Territory, or at any time or place within the Territory, of any soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, scion, bud, seed, root, fruit pit, fruit, vegetable, leaf, nut, or other vegetable growth, or other substances, and any box, barrel, package, or packing material or containers in which said articles or any of them have been transported or contained, which is or may be infected with or liable to assist in the transmission or dissemination of any insect, blight, scale or disease injurious, or liable to become injurious to trees, plants, or other vegetation of value. Included therein may be rules and regulations governing the shipping between the different localities on the same island of any or all of the nursery stock, trees and other articles in this subsection above enumerated;

And also to prohibit the importation into the Territory from any or all foreign countries, or other parts of the United States, or the shipment from one island within the Territory to another island therein, or the transportation from one part or locality of any island to another part or locality of the same island, of any specific article, or class of articles above enumerated, which are liable to introduce or disseminate, or assist in the introduction or dissemination of any insect, blight, scale or disease, injurious or liable to become injurious to trees, plants, or other vegetation of value. All rules and regulations made as aforesaid, when approved by the governor and published, shall have the force and effect of law.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 37

AN ACT

TO PROVIDE FOR THE ASCERTAINMENT, ADJUDICATION AND PAYMENT OF CLAIMS BY PERSONS WHOSE PROPERTY WAS DESTROYED BY ORDER OF THE TERRITORIAL BOARD OF HEALTH IN THE YEARS 1911 AND 1912 TO PREVENT THE SPREAD OF YELLOW FEVER IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A Commission of three disinterested and competent citizens of the Territory of Hawaii, one of whom shall be an Attorney of the Supreme Court of the Territory of Hawaii, shall be appointed by the Governor to hear, investigate and adjudicate all claims for damages, by persons who have suffered a loss of property by its destruction under orders of the Territorial Board of Health or in consequence of orders by said Board in the years 1911 and 1912, such destruction being made in order to prevent the spread of yellow fever in the Territory of Hawaii.

SECTION 2. Said Commission shall be appointed in the manner prescribed in Section 80 of the Organic Act. One of said Commissioners shall be designated Chairman of the Commission by the Governor.

SECTION 3. All such claims shall be filed with the Commission within thirty days after its first meeting or be forever barred.

SECTION 4. The Commissioners, upon appointment, shall forthwith meet and organize, and give public notice in newspapers of general circulation, printed and published in the City and County of Honolulu in the English, Hawaiian, Portuguese, Chinese and Japanese languages, of the time and place of the

first meeting of the Commission, of the times and places of subsequent meetings of the Commission, and of the statutory provision that all such claims shall be filed with the Commission within thirty days after the date of such first meeting or be forever barred.

The Commission shall hold public meetings in Honolulu, in the City and County of Honolulu, and shall hear, investigate and determine the claims so submitted to it, and render its judgment thereon allowing, modifying or disallowing such claims.

SECTION 5. The Commission shall have power to appoint a clerk, bailiff and interpreters; it shall have the same power which is conferred on the Circuit Courts of the Territory, to compel the attendance of witnesses and the production of books, papers and accounts; to punish persons guilty of contempt; and make all necessary rules and regulations for conducting its business. Each Commissioner and the clerk of the Commission shall have power to administer oaths and to take affirmations.

SECTION 6. The Commission, after rendering its judgments upon the claims submitted to it, shall cause such judgments to be entered in a Record of Judgments, which judgments shall be signed by a majority of the Commissioners; such judgments shall be final and no appeal lie therefrom. The record of each judgment shall show

1. Date of Judgment.
2. Date of filing claim with the Commission.
3 Name of claimant.
4. Kind of property destroyed.
5. Facts found and judgment of the Commission.

Act 37. Compensation for Persons Whose Property Was Destroyed by Board of Health in 1911 and 1912.

SECTION 7. No claim for speculative or consequential damage, or for loss of any kind whatever except for the destruction of the property, shall be considered by the Commission, nor shall any claim be considered at all unless presented to and filed with the Commission as hereinbefore provided.

SECTION 8. Upon the organization of the Commission, the Territorial Board of Health shall, within ten days after written notice to that effect from the Commission, file with the Commission a list of all claimants and the amount of damages claimed by each that have been filed with such Board, but such filing by the Board shall not be construed as a presentation of claim on behalf of claimants.

The clerk of the Commission shall deliver at once a statement of the claims that may be filed with it, to the Attorney General and no other service upon the Territory shall be required. It shall not be necessary for the Territory to answer or to otherwise join issue on any claim.

SECTION 9. All claims filed with the Commission may be set for hearing at such time as the Commission may deem proper, and notice thereof given to claimants in such manner as the Commission may prescribe by its rules.

SECTION 10. The Commission may allow or require the claimants to amend the original claims filed by them when in the interest of justice and equity it may deem proper so to do.

SECTION 11. In proof of the claim for damages caused by the destruction of property destroyed, the Commission shall require the date of the destruction, how it occurred, the nature of the property destroyed, its value, and place of destruction.

SECTION 12. All acts to be done by said Commission may be legally done by a majority of its members.

SECTION 13. The Territory or the Territorial Board of Health may appear before the Commission by attorney and present evidence and otherwise defend against any of such

claims, and such Board or the Attorney General of the Territory may, with the consent of the Commissioners, adjust or compromise any or all of said claims.

SECTION 14. The Commission shall not be bound to follow the rules of the common law in relation to pleadings, practice and the admission or rejection of evidence, but shall exercise discretion therein with a view of doing substantial justice.

SECTION 15. There is hereby appropriated the sum of Sixty-one Hundred and Fifty Dollars ($6150.00), payable out of the General Revenues of the Territory, to defray the following expenses of the Commission:

Commissioners at $10 per day while in session.....	$3600.00
Clerk of Commission at $150.00 per month.....	600.00
Interpreters at $7.50 per day while in session	900.00
Bailiff at $75.00 per month.....	300.00
Incidentals	750.00

All vouchers for salaries and expenses shall be certified to by the chairman and one other member of the Commission.

SECTION 16. The sum of Forty Thousand Dollars ($40,000.00, out of the General Revenues of the Territory is hereby appropriated to pay by the judgments rendered and recorded as provided in Section 6 of this Act. The Auditor of the Territory, upon presentation to him of a certified copy of the judgment provided for by Section 6 of this Act, shall issue his warrant to the Treasurer of the Territory for the amount of the judgment given payable to the person named in the said judgment.

SECTION 17. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 38

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO MAKE CERTAIN ADVANCES FROM THE CURRENT FUNDS OF THE COUNTY FOR SCHOOL IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever appropriations have been made by the Legislature for new buildings, repairs and maintenance of buildings and grounds and new grounds, furniture and fixtures, for the County of Maui, pursuant to the heading known as "Special Fund" of the School Budget as provided by Act 88 of the Session Laws of 1911, and no moneys for such purposes are immediately available in said County, the Supervisors of said County may advance the funds required for such purposes from the current funds in the treasury of said County, either on special or general deposit, in which case such general or special accounts, from which said funds have been so advanced, shall, on the receipt of taxes be reimbursed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 39. Notice in Ejectment Cases.
Act 40. Rules of Circuit Courts.

ACT 39

AN ACT

TO AMEND SECTION 1726 OF THE REVISED LAWS OF HAWAII, RELATING TO NOTICE IN EJECTMENT CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1726 of the Revised Laws of Hawaii relating to notice in ejectment cases is hereby amended to read as follows:

"Section 1726. In ejectment. In actions of ejectment to enforce the right of possession of lands, it shall be sufficient to serve the party in actual possession thereof, though he be not the adverse claimant, or if no one be in actual possession at the time, to post a copy of the process, and notice to the party claiming adversely, in some conspicuous place upon the premises. At least thirty days from the posting of such notice shall elapse before the Court shall entertain jurisdiction of the action."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 40

AN ACT

TO AMEND SECTION 1659 OF THE REVISED LAWS OF HAWAII, RELATING TO RULES OF CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1659 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1659. Power to make and revise. The judges of the several circuit courts, with the approval of the supreme

court, shall have power to make, promulgate, and from time to time revise and amend rules for regulating the practice and conducting the business of the circuit courts and circuit judges at chambers of and in the several judicial circuits, in all matters not expressly provided by law, provided that in no case shall such rules purport to impose costs not expressly authorized by statute."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 41

AN ACT

TO AMEND SECTION 2392 OF THE REVISED LAWS OF HAWAII, RELATING TO RECORDS OF NOTARIES PUBLIC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2392 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 2392. Disposition of Records, Penalty. On the resignation, removal from office, or death, of any notary public, his records shall be deposited with the clerk of the circuit court of the judicial circuit in which he resided; and by a neglect of three months to comply with the above requisition, such notary, his executor or administrator, shall forfeit not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars ($500.00), in the discretion of the court. All forfeitures un-

der this Section shall be one-half to the Territory, and the other half to him who shall sue for the same."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 42

AN ACT

TO CREATE A COMMISSION TO INVESTIGATE THE FINANCIAL AFFAIRS OF THE COUNTY OF HAWAII AND MAKING AN APPROPRIATION FOR THE EXPENSES OF SUCH COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor is hereby authorized to appoint a commission, in the manner provided by Section 80 of the Organic Act, consisting of three members, to investigate and make a complete and careful audit of the financial transactions of the County of Hawaii since its organization; to probe the alleged defalcations and misappropriations of public moneys by officers of said County; to ascertain the time, place and manner of such defalcations and misappropriations, if any, and what public officers, other persons or corporations have been concerned or implicated therein or have profited or benefited thereby or have in any manner received the proceeds therof. The Commission shall organize by the selection of one of its members as chairman.

SECTION 2. It shall be the duty of the Attorney General in person or by deputy to attend upon all of the meetings of the Commission, and, subject to its direction and control, to examine all witnesses summoned before it, and in all respects to aid and assist it fully to carry out the purposes for which it is created.

SECTION 3. The meetings of the Commission shall be public and may be held at any place or places in the Territory.

SECTION 4. Each member of the Commission shall have the power to administer oaths, and the commission shall have the power to employ all necessary auditors and clerical assistance, to subpoena witnesses, to take testimony and to enforce the production of all books and papers including the papers and books of account of any persons, joint stock companies, or banking and other corporations necessary or proper to be examined in connection with its work. All subpoenas shall be signed by the Chairman of the Commission. Witnesses shall be entitled to receive the same fees and mileage as witnesses in civil cases in the Courts of the Territory.

SECTION 5. Any person who, having been summoned as a witness by the Commission to give testimony or to produce any books or papers relating to any matter under inquiry before the commission, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1000 nor less than $100, or by imprisonment for not less than one month nor more than twelve months, or by both such fine and imprisonment.

SECTION 6. No witness before the Commission shall be privileged to refuse to testify to any fact or to produce any paper, respecting which he shall be examined by the Commission, upon the ground that his testimony to such fact or his production of such paper might criminate himself, but no prosecution can

afterwards be had against him for any offense concerning which he has testified. An official paper or record produced by such witness is not within such privilege.

SECTION 7. Any witness before the Commission, who wilfully, knowingly and falsely states under oath, verbally or in writing, any material fact, shall be deemed guilty of perjury within the meaning of Section 3050 of the Revised Laws and shall be punished by imprisonment at hard labor not more than twenty years.

SECTION 8. Whenever a witness summoned before the Commission fails or refuses to testify or to produce any books or papers relating to any matter under inquiry before the Commission, the Attorney General or his deputy shall immediately bring the matter before the Circuit Court of the Circuit where the Commission may then be sitting for its action.

SECTION 9. Upon the completion of its investigations, the Commission shall report to the Governor the results thereof, together with such recommendations as to needed legislation or otherwise as it shall see fit. At any time during the progress of its work the Commission may recommend to the Governor, to the Attorney General or to the several County or City and County Attorneys the immediate institution of such civil or criminal proceedings as its investigations shall demonstrate are necessary or proper.

SECTION 10. The members of the Commission shall receive the sum of $10.00 per diem for each day occupied in their duties, and their actual necessary traveling and other expenses, incurred in the performance of their duties.

SECTION 11. The sum of $20,000 or so much thereof as may be necessary is hereby appropriated out of the general revenues of the Territory, to be expended under the direction of the Commission to defray the expenses of the investigation

authorized by this Act, including the compensation and expenses of the members of the Commission, fees and expenses of witnesses, the employment of necessary legal and clerical assistance, and stenographers and auditors.

SECTION 12. Upon the completion of the work of the commission and the filing of its final report with the Governor, the Auditor of the Territory shall certify to the Auditor of the County of Hawaii the total amount of money expended for the purposes of this Act, and the Auditor of the County of Hawaii shall thereupon draw a warrant upon the Treasurer of the County of Hawaii for such amount in favor of the Territory, and forthwith forward the same to the Treasurer of the Territory for the reimbursement of the Territory for the amount so expended.

SECTION 13. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 43

AN ACT

TO AMEND SECTION 13 OF ACT 39 OF THE SESSION LAWS OF 1905, AS AMENDED BY SECTION 1 OF ACT 54 OF THE SESSION LAWS OF 1905, AND AS AMENDED BY SECTION 1 OF ACT 58 OF THE SESSION LAWS OF 1909, AND FURTHER AMENDED BY ACT 30 OF THE SESSION LAWS OF 1911, RELATIVE TO DEPUTY SHERIFF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 13 of Act 39 of the Session Laws of 1905, as amended by Section 1 of Act 54 of the Session Laws of

1905, and as amended by Section 1 of Act 58 of the Session Laws of 1909, and further amended by Act 30 of the Session Laws of 1911, is hereby amended so as to read as follows:

"Section 13. Within each and every district of the counties of Hawaii, Maui and Kauai, the sheriff shall appoint a deputy sheriff and may remove any such deputy sheriff for cause. Every deputy sheriff shall be a duly qualified elector of the Territory of Hawaii, and shall have resided within the district for which he is appointed for a period of not less than one year previous to the date of his appointment. The deputy sheriff of the district of South Hilo of the County of Hawaii, shall, ex-officio, be the deputy sheriff of the County of Hawaii. The deputy sheriff of the district of Wailuku, County of Maui, shall, ex-officio, be the deputy sheriff of the County of Maui. The deputy sheriff of the district of Lihue, County of Kauai, shall, ex-officio, be the deputy sheriff of the County of Kauai."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 44

AN ACT

AMENDING SECTION 25 OF ACT 118 OF THE SESSION LAWS OF 1907, RELATING TO DEPUTY SHERIFF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 25 of Act 118 of the Session Laws of 1907 is hereby amended so as to read as follows:

"Section 25. In each and every District of said City and County there shall be a Deputy Sheriff, who shall be a person

residing in the District for which he is appointed, and who shall be appointed by the Sheriff. Any Deputy Sheriff so appointed may be removed for cause by the Sheriff. The Deputy Sheriff of the District of Honolulu, City and County of Honolulu, shall ex-officio be the Deputy Sheriff of the City and County of Honolulu."

SECTION 2. This Act shall take effect upon its approval, but shall not affect the tenure of office of the present deputies of the sheriff.

Approved this 1st day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 45

AN ACT

TO AMEND CHAPTER 5 OF ACT 118 OF THE SESSION LAWS OF 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 5 of Act 118 of the Session Laws of 1907, relating to the powers of the Supervisors of the City and County of Honolulu, is hereby amended by adding thereto a new paragraph after paragraph 8 to be entitled 8-a, which shall read as follows:

"8-a. To assist financially the Hawaii Promotion Committee in its enterprise of fostering the development of the Territory and the City and County of Honolulu through the dissemination of information descriptive of Hawaii."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 46

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR CURRENT EXPENDITURES OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following additional sums are hereby appropriated for the following objects for the biennial period ending June 30, 1913, out of moneys in the Treasury received from the general revenues:

THE SECRETARY:

Compiling, Indexing, Proof-reading, Vol. 3, U. S. District Court Reports	$ 287.95
Maintenance of Library of Hawaii	2,000.00

ATTORNEY GENERAL'S DEPARTMENT:

Expenses, Maintenance of Prisoners	8,000.00
Expenses of Extradition of Goo Tai Chong, a fugitive from justice, advanced by the First American Savings and Trust Company of Hawaii, Limited, Honolulu, to be paid only upon the filing of receipts in full approved by the Attorney General	1,680.36

AUDITING DEPARTMENT:

Expenses	625.00

TREASURY DEPARTMENT:

Official Bonds	500.00
Deputy Assessors, Collectors, Clerks, Interpreters, Commissions and Expenses:	
First Taxation Division	2,000.00
Second Taxation Division	1,500.00
Third Taxation Division	2,500.00
Bureau of Conveyances, Clerks and Expenses	2,500.00

PUBLIC WORKS:

Officers, Employees, Expenses	750.00
Maintenance, Government Property, Oahu	2,000.00
Telephone Exchange, Capitol and Judiciary Buildings	100.00

HARBOR COMMISSION:

Stenographer	600.00
Maintenance, Repairs, Additions,	
Wharves, Oahu	5,000.00
Wharves, Hawaii	1,500.00
Rent, Lease and Marine Railway, etc.	500.00

BOARD OF HEALTH:

Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Suppression of Contagious Diseases	10,000.00
Rat Campaign, Territory	2,000.00
Mosquito Campaign, Territory	10,000.00

Segregation, hospitals, maintenance and Improvements	7,500.00
JUDICIARY DEPARTMENT:	
Indexing, Vol. 20, Supreme Court Reports	150.00
Court of Land Registration, Expenses	1,000.00
Total	$62,693.31

SECTION 2. So much of said appropriations for the first, second and third taxation divisions respectively as shall be expended, shall be deemed to be advances from the general revenues to the fund for the assessment and collection of taxes and shall be reimbursed to such general revenues from the general property taxes when collected in such taxation divisions respectively.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 47

AN ACT

PERTAINING TO THE SALE IN BULK OF THE WHOLE, OR A LARGE PART, OF A STOCK OF MERCHANDISE AND FIXTURES, OR MERCHANDISE, OR FIXTURES, NOT IN THE ORDINARY COURSE OF BUSINESS; PROVIDING CERTAIN REQUIREMENTS THEREFOR; IMPOSING CERTAIN DUTIES UPON THE SELLER, AND MAKING THEIR VIOLATION A MISDEMEANOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sale in bulk of the whole, or a large part, of a stock of merchandise and fixtures, or merchandise,

or fixtures, otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the seller's business, shall be deemed fraudulent and voidable as against the creditors of the seller, unless the purchaser shall, in good faith, and for the purpose of giving the notice herein required, make inquiry of the seller and receive from him a list in writing of the names and places of residence or business of each and all of his creditors and, unless the purchaser shall, at least fourteen days before the consummation of the sale, give personal notice of said proposed sale, to each of the creditors of the seller as appearing on said list, or use reasonable diligence to cause personal notice to be given to them, or shall deposit in the mail a registered letter of notice, postage prepaid, addressed to each of the seller's said creditors at his postoffice address, according to the written information furnished. No proceedings at law or equity shall be brought against the purchaser to invalidate any such voidable sale, after the expiration of ninety days from the consummation thereof.

SECTION 2. The seller shall make full and truthful answer, in writing, to each and all of the inquiries made of him by the purchaser, as required in section one; and if such seller shall knowingly and wilfully make or deliver, or cause to be made or delivered, to said purchaser any false answer to such inquiries, or shall induce a sale by refusing to make answer to such inquiries or by fraudulently claiming or pretending ignorance of the matters called for by such inquiries, then, in each of said cases, said seller shall be deemed guilty of a misdemeanor and, upon conviction thereof, he shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not exceeding six months, or both, at the discretion of the court.

SECTION 3. Nothing contained in this Act shall apply to sales made under any order of a court, or to any sales made by executors, assignees for the benefit of creditors, administrators,

receivers, or any public officer in his official capacity, or by any officer of a court.

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 48

AN ACT

TO AMEND SECTIONS 2, 5 AND 6 OF ACT 88 OF THE LAWS OF OF 1911, RELATING TO THE MAINTENANCE OF THE PUBLIC SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 88 of the Laws of 1911 is hereby amended so as to read as follows:

"Section 2. Prior to December 15, 1912, and every second year thereafter, the Department of Public Instruction shall prepare a budget, to be known as the School Budget, showing the estimated expenses, other than salaries of teachers, supervisors and principals, of the public schools and of such department for the next ensuing biennial period. Such budget shall be in the following form:

GENERAL FUND.

Salary of Superintendent.
Salaries of Office Force.
General Expenses.
Supplies.

Books and Libraries.
Industrial and Manual Training.
Special Schools.

SPECIAL FUND.

	County or City and County			
	Hawaii	Maui	Honolulu	Kauai
New Buildings as enumerated below.				
New Grounds.				
Repairs and Maintenance of Buildings and Grounds.				
Furniture and Fixtures.				
Janitor Service and Supplies.				

The new buildings proposed to be erected during the biennial period ending June 30, 19..., and for which the total sum of $.....as set forth above is estimated to be necessary, are as follows:

County of Hawaii:

.....Building $.....
.....Building $.....
etc. etc.
Total $.....

County of Maui:

.....Building $.....
.....Building $.....
etc. etc.
Total $.....

City and County of Honolulu:

.....Building $.....

.....Building		$.....
etc.		etc.
	Total	$.....
County of Kauai:		
.....Building		$.....
.....Building		$.....
etc.		etc.
	Total	$....."

SECTION 2. Section 5 of said Act 88 is hereby amended so as to read as follows:

"Section 5. From the taxes on real property and personal property there shall be raised and set aside in special funds and used exclusively for the purpose, as provided in Sections 1212 and 1272A of the Revised Laws or otherwise, such amounts as shall be necessary to provide sufficient additional funds to meet the requirements of said salary schedule and said school budget. In order to enable the Treasurer to determine the additional amounts required under this section, the Superintendent of Public Instruction shall notify him in writing, when thereunto requested by him and in any event not later than fifteen days after the day as of which property is assessed for taxation, of the total number of teachers, supervisors and principals required for the year beginning on said day as of which property is assessed and the total amount required to pay their salaries during such year in accordance with said salary schedule."

SECTION 3. Section 6 of said Act 88 is hereby amended so as to read as follows:

"Section 6. The Treasurer of the Territory shall pay over to the treasurers of the several counties and the city and county of Honolulu, as the case may be, the amounts received by him from time to time for all of the items of the 'Special Fund' of

said school budget, as provided by law. Such amounts shall be set aside and held as special funds by the treasurers of said counties and city and county and used exclusively for the respective purposes specified in said 'Special Fund,' as approved by the legislature from time to time. All new buildings erected by said counties and city and county with moneys covered by said 'Special Fund' shall be subject to the approval of the Department of Public Instruction as to size, arrangement, dimensions, lighting of rooms and sanitary conveniences. The amounts of all items under the 'General Fund' of the school budget shall be expended under the direction of the Department of Public Instruction."

SECTION 4. This Act shall take effect upon its approval.

Approved this 2nd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 49

AN ACT

TO AMEND SECTION 3195 OF THE REVISED LAWS OF HAWAII, RELATING TO THE PUNISHMENT OF VAGRANTS OR DISORDERLY PERSONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3195 of the Revised Laws of Hawaii is hereby amended by inserting after the words "shall be punished," in line 18 thereof, the words "by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or," and by inserting after the word "year," in line 19 thereof, the words

"or by both fine and imprisonment within the afore-mentioned limits in the discretion of the court."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 50

AN ACT

TO AMEND PARAGRAPH 7 OF SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907, AS AMENDED BY ACT 101 OF THE SESSION LAWS OF 1909, ENTITLED "AN ACT TO AMEND SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907, RELATING TO THE POWERS OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 7 of Section 23 of Act 118 of the Session Laws of 1907, as amended by Act 101 of the Session Laws of 1909, entitled "An Act to Amend Secton 23 of Act 118 of the Session Laws of 1907, Relating to the Powers of the Board of Supervisors of the City and County of Honolulu," is hereby further amended so as to read as follows:

"7. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers, and for the use of sewers and for the placing of signs on bridges as required by law. To take over from the Territory existing water works systems, including water rights, pipe lines and other ap-

purtenances belonging thereto, and sewer systems; and to enlarge, develop and improve the same. To build, rebuild, equip, maintain and regulate hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation; and too give aid to hospitals. To assist financially such organized secular institutions, societies and associations as are engaged in charitable relief work or efforts for the suppression of undue severity or cruelty toward children or animals. It shall be the duty of the Board to provide for the maintenance and repair of all existing school houses other than the Normal School and the Boys' and Girls' Industrial Schools; police stations and jails, other than the Oahu Prison; fire department buildings; and court houses other than the Judiciary Building."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 2nd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 51

AN ACT

RELATING TO THE CIVIL SERVICE OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be the duty of the Mayor of the City and County of Honolulu on or before the 1st day of January in every year to appoint, with the approval of the Board of

Supervisors, a Board of Police and Fire Commissioners, to be known as the Honolulu Civil Service Commission, consisting of three citizens of the Territory, not more than any two of whom shall belong to the same political party when appointed. Any member of the Commission may be removed by the Mayor, with the approval of the Board of Supervisors. Vacancies in the Commission shall be filled by the Mayor with the approval of the Board of Supervisors for the unexpired term. The City and County Clerk shall act as Secretary of the Commission. Two members of the Commission shall constitute a quorum. Each member of the Commission shall receive compensation for his services as may be fixed by the Board of Supervisors, such compensation not to exceed the sum of Two Hundred ($200.00) Dollars per annum, which shall be paid by the City and County on the certificate of the Secretary. Every member of the Commission shall before entering upon his duties take and subscribe an oath of office in the form set forth in Section 30 of the Municipal Act and file the same in the office of the City and County Clerk.

SECTION 2. No person shall hold or be appointed to any position either in the police department or in the fire department of the City and County of Honolulu without the approval of the Commission in accordance with its rules and regulations.

SECTION 3. Such Commission shall prepare and adopt such rules and regulations to govern the selection and appointment of persons to be employed in either the police or fire department as in its judgment shall be adapted to secure the best service in each department. Such rules and regulations shall provide for ascertaining as far as possible the physical and educational qualifications, habits and the reputation and standing and experience of all applicants, and shall provide for a competitive examination of all applicants in such subjects as shall be proper for the purpose of best determining their qualifications for the positions sought. Such rules and regulations may provide for

the classification of positions and for a special course of inquiry and examination for candidates for each class, and shall be subject to modification or repeal by the Commission.

SECTION 4. The Commission shall cause the rules and regulations so prepared and adopted and all changes thereafter made to be printed and distributed, and the expense thereof shall be paid by the City and County on the certificate of the Secretary of the Commission. Such rules and regulations shall specify the date when they shall take effect, and thereafter all selections of persons for employment or appointment or promotion either in the police or fire department shall be in accordance therewith.

SECTION 5. The examination which the rules and regulations shall provide for shall be public and free for all citizens of the Territory over twenty and under sixty years of age with proper limitations as to residence, health, habits and character. The examinations shall be practical in their character and may include tests of manual skill and physical strength. The Commission shall control all examinations and may designate suitable persons to conduct them and fix the rate of their compensation which shall be paid by the City and County on the certificate of the Secretary of the Commission.

SECTION 6. Whenever any person in the police department or fire department has been appointed under these provisions, he shall hold his position during good behavior subject to removal only as provided by said rules and regulations.

SECTION 7. When vacancies in existing positions occur, or when new positions are created, in the police or fire department, which can with advantage to the department, in which they occur be filled by the promotion of persons in the service who have proved their fitness therefor they shall be filled by the promotion of such persons. In all other cases vacancies shall be filled and all promotions made from the list of persons who

have previously passed the examination required by the rules and regulations with the approval of the Commission.

SECTION 8. This Act shall not apply to any sheriff or deputy sheriff.

SECTION 9. This Act shall not be construed to require the examination of any person at present employed in either the police or fire department of the City and County of Honolulu.

SECTION 10. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 11. This Act shall take effect from and after the date of its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 52

AN ACT

APPROPRIATING SEVEN THOUSAND FOUR HUNDRED SIXTY-THREE DOLLARS AND FORTY-FOUR CENTS FOR THE PURPOSE OF REPAYING MONEYS WRONGFULLY COLLECTED AS MERCHANDISE LICENSE TAX UNDER SECTIONS 764 TO 768 OF THE PENAL LAWS OF 1897.

WHEREAS, certain persons, firms and corporations doing business in the Territory of Hawaii were required to and did pay into the Treasury of the Territory of Hawaii certain

amounts as license tax imposed by Sections 764 to 768 of the Penal Laws of 1897, and

WHEREAS, said Sections 764 to 768 of the Penal Laws were on January 26, 1901, declared by the Supreme Court of the Territory of Hawaii unconstitutional; and

WHEREAS, the appropriation of Twenty Thousand Dollars made in Act 143 of the Session Laws of 1911, was insufficient to pay the claims duly presented on or before the 30th day of June, A. D. 1911, to the Treasurer of the Territory of Hawaii as provided in said Act; Now Therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Seven Thousand Four Hundred Sixty-Three Dollars and Forty-Four Cents is hereby appropriated out of any money in the Treasury received from the general revenues, for the purpose of paying back the amounts collected as license tax under Sections 764 to 768 of the Penal Laws of 1897, and claims for which payment were duly presented according to the requirement of said Act 143, to the Treasurer of the Territory of Hawaii, on or before the 30th day of June, A. D. 1911.

SECTION 2. Such balance of this appropriation as shall be unexpended at the expiration of twelve months after the approval of this Act shall lapse.

SECTION 3. Such claims shall be paid upon warrants issued by the Auditor of the Territory payable to such persons as have complied with the provisions of Sections 2 and 3 of Act 143 of the Session Laws of 1911.

Section 4. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR.
Governor of the Territory of Hawaii.

ACT 53

AN ACT

AMENDING SECTION 1588 OF THE REVISED LAWS OF HAWAII, RELATING TO THE EMPLOYMENT OF PRISONERS SENTENCED TO IMPRISONMENT AT HARD LABOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1588 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1588. Such prisoners shall not be employed in any labor except for the Territory or a political or other subdivision thereof; provided, however, that charitable institutions may have the use and employment of such prisoners as the high sheriff, with the approval of the attorney general, may deem it advisable to so allow.

The high sheriff or other official violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 54

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO MAKE CERTAIN ADVANCES FROM THE CURRENT FUNDS OF THE COUNTY FOR SCHOOL IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever appropriations have been made by the Legislature for new buildings, repairs and maintenance of buildings and grounds and new grounds, furniture and fixtures, for the County of Hawaii, pursuant to the heading known as "Special Fund" of the School Budget as provided by Act 88 of the Session Laws of 1911, and no moneys for such purposes are immediately available in said County, the Supervisors of said County may advance the funds required for such purposes from the current funds in the treasury of said County, either on special or general deposit, in which case such general or special accounts from which said funds have been so advanced, shall, on the receipt of taxes be reimbursed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 55

AN ACT

To Appropriate Fifteen Thousand Dollars for the Purchase of Private Lands in Waipio, District of Hamakua, Island of Hawaii, for Homestead Purposes, and to Determine the Price of Such Homesteads.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That there is hereby appropriated out of any funds in the Treasury not otherwise appropriated, the sum of Fifteen Thousand Dollars ($15,000.00), or so much thereof as may be necessary, which sum is hereby directed to be expended by the Commissioner of Public Lands, with the approval of the Governor, in the purchase of lands, privately owned, and situated in Waipio, in the District of Hamakua, on the Island of Hawaii, for homestead purposes, provided, suitable lands for such purposes can be so purchased by the Commissioner upon terms satisfactory to him.

Section 2. That any land so purchased shall be laid out in lots and sold to citizens on term payments; twenty per cent of the purchase price to be paid by the purchaser at the time of sale and twenty per cent to be paid annually thereafter until fully paid; deferred payments to bear interest at the rate of six (6) per cent per annum, payable annually. Preference in the purchase of such lots, if any, to be determined by lot, and sales to be made at such prices per lot as will, in the aggregate, return into the Territorial Treasury the sum hereby appropriated.

Section 3. This Act shall take effect from and after the date of its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 56. Creataing Division of Hydrography.
Act 57. Special Fund Water Licenses for Forests and Hydrogaphy.

ACT 56

AN ACT

FOR THE CREATION AND MAINTENANCE OF A DIVISION OF HYDROGRAPHY UNDER THE BOARD OF AGRICULTURE AND FORESTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Agriculture and Forestry is hereby authorized to create and maintain a Division of Hydrography for the investigation and determination of the water resources of the Territory by the gauging of streams and rainfall and other means, in cooperation with the United States Geological Survey or otherwise, and in furtherance thereof, to take over and exercise the functions of the Territory in the conduct of the present hydrographic survey of the Territory.

SECTION 2. This Act shall take effect on July 1, 1913.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 57

AN ACT

APPROPRIATING THE REVENUES FROM WATER LICENSES FOR THE USE OF THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY TOWARD FOREST PROTECTION AND HYDROGRAPHIC SURVEYING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All revenues derived from water licenses issued by the Territory during the period beginning July 1, 1913, and

ending June 30, 1915, whether by way of rentals or otherwise, shall constitute and be held as a special fund in the treasury of the Territory to be disbursed on warrants of the auditor issued on approved vouchers of the President of the Board of Commissioners of Agriculture and Forestry. Such moneys shall be apportioned and applied from time to time by the Board of Commissioners of Agriculture and Forestry, acting with the approval of the Governor, equally between the Division of Forestry and the Division of Hydrographic Survey to the following general purposes, and not otherwise:

1. For the protection of forest reservations, established or set apart according to law, against damage by fire, animals and otherwise by means of fences and any other means whatsoever, and for the expenditures of the Division of Forestry.

2. For the development and maintenance of the hydrographic survey throughout the Territory. Each voucher against said fund shall designate the general purpose for which it is drawn.

SECTION 2. This Act shall take effect on July 1, 1913.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 58. Suits on Open Accounts.
Act 59. Disposition of Public Lands; Notice Required.

ACT 58

AN ACT

To Amend Act 52 of the Session Laws of 1905, Relating to Suits on Open Accounts.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2 of Act 52 of the Session Laws of 1905 is hereby amended by inserting the words "the manager or" in line 2 thereof before the words "any officer."

Section 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 59

AN ACT

Relating to the Publication of Notice of Sale, Drawing or Allotment of Public Lands.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The notice of any sale, drawing or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory, and wherever possible, such notice shall also be advertised in English and Hawaiian in a news-

paper or in newspapers published in the county in which the land is located.

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 60

AN ACT

RELATING TO THE ISSUANCE OF LICENSES TO CO-PARTNERSHIPS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Before any license shall be issued to any persons carrying on business in this Territory as co-partners, the Treasurer of the County or City and County by whom such license is issued shall first require such persons, firm or co-partnership to file in his office a statement in writing showing:

1. The names and residences of each of the members of such co-partnership.

2. The firm name.

3. The place or places of business of the co-partnership.

This statement shall be verified as true by the oath of one of the partners.

SECTION 2. Any person failing to comply with the provisions of Section 1 with regard to the filing of the statement

therein required shall be guilty of a misdemeanor and, upon conviction, punished by a fine of not more than Five Hundred ($500.00) Dollars, or imprisonment for not more than six months, or both. Any person making any false statement in the oath required in Section 1 shall be guilty of perjury and be subject to the penalties prescribed for such offense.

SECTION 3. This Act shall take effect upon its approval.

Approved this 5th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 61

AN ACT

TO AMEND SECTION 28 OF ACT 39 OF THE SESSION LAWS OF 1905, AS AMENDED BY ACT 54 OF THE SESSION LAWS OF 1905, ACTS 120 AND 144 OF THE SESSION LAWS OF 1909, ACTS 31, 74 AND 87 OF THE SESSION LAWS OF 1911, AND ACTS 25 AND 28 OF THE SESSION LAWS OF 1913, RELATING TO THE SALARIES OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 28 of Act 39 of the Session Laws of 1905, as amended by Act 54 of the Session Laws of 1905, Acts 120 and 144 of the Session Laws of 1909, Acts 31, 74 and 87 of the Session Laws of 1911, and Acts 25 and 28 of the Session Laws of 1913, is hereby further amended by adding after the line reading

"Member of the Board of Supervisors $600.00 a year," the following:

"Each member shall also receive reasonable travelling expenses or mileage at the rate of not more than twenty-five cents for each mile necessarily travelled each way in going to and returning from meetings of such board."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 62

AN ACT

TO AMEND SECTION 1034A, REVISED LAWS, AS ENACTED BY ACT 29, LAWS OF 1911, AND AMENDED BY ACT 157, LAWS OF 1911, RELATING TO SANITARY CONDITION OF LAND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1034A, Revised Laws, as enacted by Act 29, Laws of 1911, and amended by Act 157, Laws of 1911, is hereby amended to read as follows:

"Section 1034A. Appropriation, $300,000. There is hereby appropriated out of the general revenues the sum of Three Hundred Thousand Dollars to be used for the purpose of carrying out the provisions of this chapter and of Chapter 79, Revised Laws, and for the purpose of filling in lands in government ownership which are low, insanitary and dangerous to public health, which sum shall be set aside in the treasury of the Territory as a special fund for use for such purposes, and

all moneys withdrawn from such fund shall be reimbursed or restored thereto so far as may be out of any moneys repaid or collected under the provisions of this chapter and of Chapter 79, Revised Laws; provided however, that Fifty Thousand Dollars or so much thereof as may be necessary shall be used in the County of Hawaii, and Twenty Thousand Dollars or so much thereof as may be necessary shall be used in the County of Kauai under the provisions of this chapter."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 63

AN ACT

TO AMEND SECTION 991, REVISED LAWS, AS AMENDED BY ACT 42, LAWS OF 1905, AND ACT 132, LAWS OF 1911, RELATING TO REGULATIONS OF THE TERRITORIAL BOARD OF HEALTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 991, Revised Laws, as amended by Act 42, Laws of 1905, and Act 132, Laws of 1911, is hereby amended to read as follows:

"Section 991. Regulations. The board of health, with the approval of the governor, may make such regulations respecting nuisances, foul or noxious odors, gases or vapors, water in

which mosquito larvae breed, sources of filth, causes of sickness or disease, within the respective districts of the Territory, and on board of any vessel; as also respecting adulteration and false branding of food; location, air space, ventilation, sanitation, drainage and sewage disposal of buildings, courts, areas and alleys; privy vaults and cesspools; fish and fishing; interments and dead bodies; cemeteries and burying grounds; laundries, stables, bakeries, poi shops, abattoirs, fish, meat or vegetable stores or markets, hotels, lodging houses, tenements, or any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on; milk; poisonous drugs; pig and duck ranches, as it shall deem necessary for the public health and safety."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 64

AN ACT

TO AMEND SECTION 784 OF CHAPTER 64 OF THE REVISED LAWS. RELATING TO GRANTING PUBLIC LANDS TO RAILROADS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 784 of Chapter 64 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 784. And the commissioner of public lands, with the consent of the governor and the approval of the board of public lands, shall have power and authority to grant a right

of way, not greater than forty feet in width, through all public lands, to any corporation as aforesaid for the purpose of building such railroad or railroads. And, with like consent and approval, to grant the use of such public lands, lying alongside and abutting such right of way, as may be reasonably necessary for buildings, stations, depots or other structures, for railroad purposes only."

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 65

AN ACT

TO AMEND SECTION 81 OF ACT 118 OF THE SESSION LAWS OF 1907, AS AMENDED BY ACT 168 OF THE SESSION LAWS OF 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 81 of Act 118 of the Session Laws of 1907, as amended by Act 168 of the Session Laws of 1911, is hereby amended to read as follows:

"Section 81. The Mayor, with the approval of the Board of Supervisors, shall appoint all officers of the City and County whose election or appointment is not otherwise specially provided for in this Chapter, or by law. When a vacancy occurs in any office, and provision is not otherwise made in this Char-

ter, or by law, for filling the same, the Mayor, with such approval, shall appoint a suitable person to fill such vacancy, who shall hold office for the remainder of the unexpired term."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 66

AN ACT

RELATING TO THE CONSTRUCTION OF ROADS TO AND UPON PUBLIC LANDS OPENED FOR HOMESTEAD, RESIDENCE AND OTHER PURPOSES, ADDING A NEW SECTION TO ACT 62 OF THE LAWS OF 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section is hereby added to Act 62 of the Laws of 1911 to be known as Section 2A and to read as follows:

Section 2A. The Commissioner of Public Lands, with the approval of the Governor, may from time to time enter into agreements with the several counties and city and county for the construction by the latter, out of their moneys or out of any Territorial moneys available under the preceding sections of this Act or partly out of their moneys and partly out of such Territorial moneys, of any road or roads or part or parts thereof

authorized under said sections, and for the reimbursement of so much of their moneys as shall be expended under such agreements to such counties and city and county, respectively, by the Territory out of any moneys, when received from time to time, that would be available under the terms of said sections for the construction of roads in the tract in question.

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 67

AN ACT

TO PROHIBIT CONTRIBUTIONS BY CORPORATIONS, OR THEIR OFFICERS OR AGENTS, FROM CORPORATE FUNDS TO CAMPAIGN FUNDS OR FOR POLITICAL PURPOSES, IN ANY ELECTION OR PRIMARY ELECTION IN THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be illegal for any corporation, incorporated under the laws of this Territory, or doing business therein, or any officer or agent thereof, from corporate funds, to make or authorize any contributions directly or indirectly to campaign funds or for political purposes, in any election or primary election held in this Territory.

SECTION 2. Any corporation violating the provisions of this Act shall upon conviction be fined in a sum ten times the amount

of the contribution made, but in no case to be less than one thousand dollars; and any corporation officer violating the provisions of this Act shall be deemed guilty of a felony, and on conviction shall be punished by a fine of ten times the amount of the contribution made, but in no case less than one thousand dollars, or by imprisonment for not less than one nor more than four years, or both such fine and imprisonment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 68

AN ACT

TO AMEND SECTION 2 OF ACT 104 OF THE LAWS OF 1911, AS AMENDED BY ACT 4 OF THE LAWS OF 1913, RELATING TO CIRCUIT COURT EXPENDITURES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 104 of the Laws of 1911, as amended by Act 4 of the Laws of 1913, is hereby amended so as to read as follows:

"Section 2. The several counties and city and county shall pay the expenses of their respective circuit courts and the salaries of the following officers of such courts, as required by such courts, to the extent of the following amounts, and may pay

such increases in such salaries and expenses, and such salaries of such other officers of such courts as may from time to time be deemed necessary or proper:

	A year.
First Circuit Court:	
Chief Clerk, Cashier and Bookkeeper	$ 2,400.00
Assistant Chief Clerk ($125.00)	1,500.00
Three Clerks ($150.00)	5,400.00
Three Clerks ($125.00 each)	4,500.00
Three Stenographers ($175.00 each)	6,300.00
Probation Officer ($125.00)	1,500.00
Probation Officer for Girls ($100.00)	1,200.00
Court Expenses	14,500.00
2 Hawaiian Interpreters ($125.00)	3,000.00
Japanese Interpreter ($125.00)	1,500.00
Chinese Interpreter ($125.00)	1,500.00
Juvenile Court:	
Matron of Shelter Home ($75.00)	900.00
Maintenance of Shelter Home	2,500.00
Second Circuit Court:	
Clerk ($150.00)	1,800.00
Stenographer and Clerk	1,800.00
Court Expenses	6,000.00
Support, Juvenile Court Dependents	250.00
Law Books	250.00
Third Circuit Court:	
Clerk ($100.00)	1,200.00
Stenographers	1,200.00
Court Expenses	6,000.00
Law Books	500.00
Support, Juvenile Court Dependents	250.00
Fourth Circuit Court:	
Clerk ($150.00)	1,800.00
Stenographer ($140.00)	1,680.00

Assistant Clerk, Interpreter and Messenger ($115.00)	1,380.00
Probation Officer ($75.00)	900.00
Court Expenses	7,000.00
Support, Juvenile Court Dependents	500.00
Law Books	500.00
Fifth Circuit Court:	
Clerk ($125.00)	1,500.00
Court Expenses	5,000.00
Law Books	250.00

SECTION 2. This Act shall take effect on July 1, 1913.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 69

AN ACT

TO AMEND SECTION 1 OF ACT 149 OF THE SESSION LAWS OF 1911, ENTITLED "AN ACT TO PRESCRIBE THE TENURE OF OFFICE AND MANNER OF ELECTION OF THE SUPERVISORS OF THE COUNTY OF MAUI."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 149 of the Session Laws of 1911 is hereby amended so as to read as follows:

"Section 1. The Board of Supervisors of the County of Maui shall consist of five members, all of whom shall be elected

at large from among those who have been qualified electors of said county for at least one year prior to their election. At the next county election, and at all elections thereafter, four of such officers shall be elected as members only, while the fifth shall be elected as chairman and executive officer of said board, and all shall hold office for a term of two years and until their successors are elected and qualified; provided, however, that the present board of supervisors shall hold office until their successors are elected and qualified. All such elections shall be conducted in the manner now prescribed by law for the election of county officers, except as otherwise provided by this Act."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 10th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 70

AN ACT

TO AMEND ACT 119 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS, REPEALING ACT 67 OF THE SESSION LAWS OF 1905," BY AMENDING SECTION 2 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2 of Act 119 of the Session Laws of 1907, entitled "An Act to Regulate the Sale of Intoxicating

Liquors, Repealing Act 67 of the Session Laws of 1905," is hereby amended so as to read as follows:

"Section 2. Except as authorized or licensed so to do under the provisions of this Act, no person shall sell, or expose, keep or offer for sale, any spirituous or intoxicating liquors, or solicit or receive orders for the purchase or sale of any such spirituous or intoxicating liquors.

But the provisions of this Act shall not apply to a duly licensed pharmacist making sales upon prescription or order of a physician duly licensed to practice medicine in this Territory; neither shall the provisions of this section apply to such person or persons soliciting or receiving orders for any spirituous or intoxicating liquors as salesman, agent, or solicitor for, and while so engaged by, any other person who shall have been authorized or licensed to traffic in such liquors under the provisions of this Act."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 11th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 71

AN ACT

TO AMEND SECTION 1831 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 39 OF THE SESSION LAWS OF 1911, RELATING TO THE EXEMPTION OF PERSONAL PROPERTY FROM ATTACHMENT, EXECUTION, DISTRESS AND FORCED SALE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1831, paragraph four thereof, of the Revised Laws of Hawaii, as amended by Act 39 of the Session Laws of 1911, be and is hereby amended by adding thereto at the end thereof, the following: "provided that the same shall not be exempt for the purchase price of any goods, wares, merchandise, materials, or the value of any work or labor furnished for and used in or upon or for any such cart, wagon, dray, truck, coupe, hack, carriage, automobile, motorcycle or other vehicle," so that said paragraph four, as amended, shall read as follows:

"Two horses or two mules and their harness, one cart or wagon or stage, one dray or truck, one coupe or hack or carriage for one or two horses, one automobile, one motorcycle or other vehicle, by the use of which a cartman, drayman, truckster, huckster, peddler, hackman, teamster, chauffeur, driver or other laborer actually earns his living; and two horses and harness and one vehicle or one automobile or motorcycle used by a physician, surgeon, or minister of the gospel, in the practice of his business or profession; provided that the same shall not be exempt for the purchase price of any goods, wares, merchandise, materials, or the value of any work or labor furnished for and used in or upon or for any such cart, wagon, dray, truck, coupe, hack, carriage, automobile, motorcycle or other vehicle."

SECTION 2. This Act shall take effect on and after the date of its approval.

Approved this 11th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 72

AN ACT

TO AMEND SECTION 1746 OF THE REVISED LAWS OF HAWAII AS AMENDED BY SECTION 2 OF ACT 23 OF THE SESSION LAWS OF 1909, ENTITLED "AN ACT TO AMEND SECTIONS 1744, 1746 AND 1858 OF THE REVISED LAWS RELATING TO TRIALS BY JURY."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1746 of the Revised Laws of Hawaii as amended by Section 2 of Act 23 of the Session Laws of 1909, entitled "An Act to Amend Sections 1744, 1746 and 1858 of the Revised Laws Relating to Trials by Jury," is amended to read as follows:

"Section 1746. Demand for Jury. Either party to a civil suit may demand a trial by jury by a written document filed in court within ten days after the case is at issue; provided, however, that if no such demand as aforesaid shall be made for a trial by jury parties to said cause shall be deemed to have waived trial by jury."

SECTION 2. This Act shall take effect upon the date of its approval.

Approved this 11th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 73. Statutory Fees for Searching Records.
Act 74. Subdivision Tracts of Land.

ACT 73

AN ACT

To Amend Paragraph 4 of Section 2356 of the Revised Laws, Relating to Fees for Searching the Records.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Paragraph 4 of Section 2356 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"4. For searching the records, and giving the certificate required by law, fifty cents for each year searched."

Section 2. This Act shall take effect upon its approval.

Approved this 11th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 74

AN ACT

To Amend Section 1 of Act 46 of the Laws of 1911, Relating to the Compulsory Filing of Plans.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 46 of the Laws of 1911 is hereby amended to read as follows:

"Section 1. Whoever shall lay out or subdivide a tract of land into lots or blocks and shall sell by lot number or block

number or lease by lot number or block number any lot or block in any subdivision without first having filed in the office of the registrar of conveyances a plan thereof, drawn in accordance with the provisions of Act 23 of the Laws of 1905, or any amendment thereto, or whoever shall sell by lot number or block number or lease by lot number or block number any lot or block in any subdivision, the plan of which subdivision is not on record or on file in the office of the registrar of conveyances, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars for each lot or block or part thereof so sold or leased; provided, however, that the provisions of this Act shall not apply to land held under the provisions of Chapter 154 of the Revised Laws of Hawaii."

SECTION 2. This Act shall take effect on its approval.

Approved this 11th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 75

AN ACT

TO PROTECT FISH KNOWN AS TOP MINNOWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person to fish for, or take from, or be engaged in fishing for, or taking from, or to kill or to destroy in, any of the waters of the Territory any fish known as top minnows.

SECTION 2. Nothing in this Act contained shall be construed to prohibit the Territorial Board of Health or its agents or inspectors, or any person having a permit from the said Board of Health, from taking, moving, or handling such fish, or from taking or using the same for public health or scientific purposes in such manner as such Board or its agents or inspectors may deem necessary or proper.

SECTION 3. Any person violating any of the provisions of this Act shall upon conviction be punished by a fine of not more than One Hundred Dollars ($100.00).

SECTION 4. This Act shall take effect upon its approval.
Approved this 14th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 76

AN ACT

TO REPEAL SECTION 2587 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2587 of the Revised Laws of Hawaii be and the same is hereby repealed.

SECTION 2. This Act shall take effect from the day of its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 77. Treasurer's Examinations Fiduciary Companies.
Act 78. Bank Examiner.

ACT 77

AN ACT

To Repeal Section 3 of Act 68 of the Session Laws of 1905, Being an Act Defining Fiduciary Companies and Regulating the Same and Requiring Financial Statements Therefrom.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3 of Act 68 of the Session Laws of 1905 be and the same is hereby repealed.

Section 2. This Act shall take effect from the day of its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory.

ACT 78

AN ACT

Relative to Bank Examiner, to Define the Duties to be Performed by Him, and to Provide for Examination Fees.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Treasurer of the Territory and the Registrar of Public Accounts shall each be ex-officio a Bank Examiner for the Territory of Hawaii. The Treasurer, with the

approval of the Governor, shall appoint a fit and competent person as Deputy Bank Examiner to perform the duties of Bank Examiner, who may be removed by the Treasurer with the approval of the Governor.

SECTION 2. No person shall be a Bank Examiner who is a Director in or owner of any interest, or shares of stock in any company or corporation that may be examined pursuant to the provisions of this Act.

SECTION 3. The duties of Bank Examiner shall be to make a thorough examination of the affairs and conditions of every Banking Corporation (other than a National Bank) and Trust Company doing business within the Territory, and organized under the provisions of any law now or hereafter enacted by the Legislature of the Territory of Hawaii, or otherwise; and also of any Fiduciary Company doing business within the Territory, as defined by Act 68 of the Session Laws of 1905; and also to make a thorough examination of the affairs of any copartnership or individual that may be carrying on now, or hereafter, a Banking and or Trust business.

SECTION 4. The Bank Examiner shall have the power when making such examination or examinations, as the case may be, to examine any of the officers of the corporations and agents of the business being examined, on oath, and for such purpose is hereby authorized to administer oaths, and may order and cause to be produced by the officers, agents or employees of said corporation, person or company so being examined, all books of account, papers, documents and securities under their possession or control. Upon the close of such examination by the Bank Examiner, he shall make a full and detailed report of the condition of the affairs of the Banking and Fiduciary Company, corporations, or individuals, that have been examined by him, substantially in the form prescribed by the Schedule in

Section 10, which report shall be filed with the records of the Treasurer's office.

SECTION 5. Such examinations by the Bank Examiner shall be had and made two times in each year.

SECTION 6. The Treasurer of the Territory shall have the power whenever he deems it proper or expedient, to cause examinations to be made into the affairs and conditions of any of the Banking, Trust or Fiduciary Companies, corporations, co-partnerships or individuals, in addition to the examination hereinbefore in this Act provided for, and upon completion of such additional examination the report so made shall be filed in the office of the Treasurer.

SECTION 7. The following fees for making examinations shall be paid to the Treasurer of the Territory for the use of the Territory:

For examining all co-partnerships, individuals, or corporations doing a Banking or Trust business, and all Fiduciary companies having a paid up capital of less than Fifty Thousand Dollars, twenty-five dollars; those having a paid up capital of Fifty Thousand Dollars and less than Two Hundred Thousand Dollars, thirty-five dollars; those having a paid up capital of Two Hundred Thousand Dollars and less than Four Hundred Thousand Dollars, forty-five dollars; those having a paid up capital of Four Hundred Thousand Dollars and less than Six Hundred Thousand Dollars, fifty-five dollars; and those having a paid up capital of Six Hundred Thousand Dollars and over, sixty-five dollars, such amount shall be paid by each of the co-partnerships, individuals and corporations doing a Banking or Trust business, or both, and for all so examined such compensations shall be in lieu of all other charges or fees for making said examinations. An examination fee of twenty-five dollars shall be paid by each branch bank in addition to the examination fee paid by the main institution.

SECTION 8. Any violation by the officers of the corporations, or by any person or persons, of any of the provisions of this Act shall be deemed a misdemeanor, and be punished by a fine not exceeding $1,000.00, or by imprisonment for a term not exceeding twelve months, or by both fine and imprisonment.

SECTION 9. Whoever being an officer of any corporation, or any member of a co-partnership, or an individual that is, or may be, subject to the examinations provided for by this Act, shall unreasonably delay or refuse to furnish the information required by the Bank Examiner in making such examination by this Act required, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided by Section 8 of this Act; or who shall knowingly make a false statement under oath to any matter or thing required by said Bank Examiner in the course of his examination into its or his affairs, shall, upon conviction, be deemed guilty of perjury.

SECTION 10. Report pursuant to Section 4.

REPORT OF RESOURCES AND LIABILITIES.

of ..... at the close of Business.....191.....

RESOURCES.

Loans and Discounts.

(a) On demand paper with one or more individual names.

$.....

(b) On demand paper secured by stocks, bonds and other personal securities.

$.....

(c) On time paper with two or more individual or firm names.

$.....

(d) On time single name paper one person or firm without other security.

$.....

(e) On time secured by stocks, bonds and other personal securities.

$.....

(f) Secured by real estate or chattel mortgages or other liens on real or personal property.

$.....

(g) Loans and liabilities of officers and Directors. (state whether secured or unsecured)

$.....

(h) Loans on real estate.

$.....

OVERDRAFTS.

Standing six months or over
Temporary
Officers and Directors
(state whether secured or unsecured)
Bonds (U. S. and Territory of Hawaii)
All other Bonds
Stocks and Bonds in Incorporated Cos.
Stocks other than above (to be specified)
Real Estate other than Banking House
Banking House
Furniture and fixtures
Due from Banks and Bankers
Due from all other sources
Gold Coin
Silver Coin
Checks and other cash items and items of Exchange
Paper currency
ALL OTHER RESOURCES

Act 78. Bank Examiner.
Act 79. Kolihi-waena Park.

LIABILITIES.

Capital paid in
Surplus Fund
Undivided Profits
Dividends—Unpaid
Deposits and Demand and Time Certificates of Deposist (list each item separately)
Due to Bank and Bankers
Notes and Bills re-discounted
Bills Payable
Trust and Agency Accounts
ALL OTHER LIABILITIES including Certificates of Deposit representing money borrowed.

SECTION 11. This Act shall take effect from and after its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 79

AN ACT

DECLARING AND DESIGNATING A CERTAIN TRACT OF GOVERNMENT LAND AT KALIHI, HONOLULU, CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII, AS A PUBLIC PARK

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tract of land hereinafter described is hereby declared to be and is dedicated as a public park to be known as Kalihi-waena Park.

Act 79. Kolihi-waena Park.

All that certain tract of government land at Kalihi, Honolulu, City and County of Honolulu, Territory of Hawaii, being a portion of School Grant 28, Apana 7, more particularly described as follows, to wit:

Beginning at the west corner of this lot and on the new northeast side of Beckley Street, said point being by true azimuth and distance 308° 30′, 94.8 feet from the center of a sewer manhole at the intersection of Gulick and Beckley Streets, and the coordinates of said points of beginning referred to Government Survey Trig. Station "Punchbowl" being 8238.4 feet north and 9209.0 feet west, as shown on Government Survey Registered Map No. 2322, and running by true azimuths:

1. 240° 00′, 118.5 feet along fence;
2. 323° 49′, 396.9 feet along the southwest side of road;
3. 54° 52′, 122.7 feet along northwest side of road;
4. 144° 30′, 407.45 feet along the new northeast side of Beckley Street to the point of beginning and containing an area of approximately 48,375 square feet.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 80

AN ACT

TO AMEND SECTION 992A, REVISED LAWS, AS ENACTED BY SECTION 3 OF ACT 132, LAWS OF 1911, RELATING TO MUNICIPAL AND COUNTY LICENSES AND PERMITS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 992a, Revised Laws, as enacted by Section 3 of Act 132, Laws of 1911, is hereby amended to read as follows:

"Section 992a. No permit or license shall be issued by any county or city and county officer for the erection, maintenance, use or operation of any building for which a permit or license may be issued by such county or city and county officer under the provisions of Act 93 and of Act 97 of the Session Laws of 1911, or under the provisions of any ordinance made in pursuance of said Act or Acts, and amendments thereto, nor for the erection, maintenance, use or operation of any bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house or any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on, for which a permit or license may be issued by such county or city and county officer under said acts or any other acts, except upon a certificate of the board of health, which certificate shall be furnished free of charge, setting forth that an agent of said board has examined the place, land and building on, in or to which it is proposed to erect, move, maintain, use or operate said building, bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house, or place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on, and that such place, land or building is in a fit and sanitary condition suitable for the pur-

pose for which the premises are intended to be used; that facilities have been provided therein and thereon for proper drainage and sewerage disposal; that provision has been made in the plans and specifications of proposed buildings, or of alterations of existing buildings, for proper ventilation and air space and for water and sewerage disposal; and that the location is at the time a proper one for the nature of the business to be there carried on without danger to public health. No such permit shall be issued except upon a condition, which shall be embodied in the permit and which shall be binding upon the licensee, that such place, land or building shall be kept and maintained by the licensee in good sanitary condition in accordance with general health laws, regulations and orders of the board of health during the term of the license. The board of health is hereby authorized to direct the cancellation of any such permit or license issued by any county or city and county officer, in case any such place, land or building fails at any time and in any respect to meet the requirements of the general health laws, regulations and orders of the board of health."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 81

AN ACT

To Provide for Entertainment and Expenses of Such Senators and Members of the House of Representatives of the United States as May Visit the Territory of Hawaii Prior to June 30, 1915.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of Fifteen Thousand ($15,000.00) Dollars is hereby appropriated to be paid out of any moneys in the treasury of the Territory received from the general revenues of the Territory for entertainment and expenses of such Senators and Members of the House of Representatives of the United States as may visit the Territory prior to June 30, 1915.

Section 2. The money hereby appropriated shall be under the control of and expended by the Secretary of Hawaii.

Section 3. This Act shall be in effect from and after the date of its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 82

AN ACT

To Amend Section 1 of Act 23 of the Session Laws of 1905, Providing for the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 23 of the Session Laws of 1905 is hereby amended so as to read as follows:

"Section 1. The registrar of conveyances shall, on application, accept and file in the archives of his office, on the payment of a fee of one dollar, any plan of land, but such plan shall contain the name of the last owner of record of the land and his address, the maker's name and address, the surveyor's name and address, date of survey, scale, the meridian line, area, name of Ili or Ahupuaa, district and island, the true bearings and lengths of principal lines, the names of all known adjoining owners, and such data concerning the original title of the land platted as may be known. It shall be necessary that one or more monuments shall be placed on the land, which shall, if possible, connect with the government triangulation system. All such monuments shall be placed as indicated on the plan."

Section 2. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 83

AN ACT

RELATING TO DESERTION AND NON-SUPPORT OF WIFE OR CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That any husband who shall desert or wilfully neglect his wife, or refuse to provide for her support or maintenance, thereby reducing her to destitute or necessitous circumstances, or any parent who shall desert or wilfully neglect his or her child or children under the age of sixteen years, or refuse to provide for the support or maintenance of such child or children, thereby reducing such child or children to destitute or necessitous circumstances, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding Five Hundred ($500.00) Dollars, or imprisonment not exceeding one year, or both, in the discretion of the Court.

SECTION 2. Proceedings under this Act may be instituted upon complaint made under oath or affirmation by the wife or child or children, or either of them, or by any other person or persons, or organization, against any person guilty of either of the above named offenses.

SECTION 3. At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for support of the deserted wife or children, or both, pendente lite, and may punish for violation of such order as for contempt.

SECTION 4. Before the trial, with the consent of the defendant, or at or after the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalty or penalties here-

inbefore provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by the court from time to time, as circumstances may require, directing the defendant to pay a certain sum weekly or monthly, for a period not exceeding one year, to the wife or the guardian, curator or custodian of the said minor child or children, or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court, or a judge thereof in vacation, may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, and of any subsequent modification thereof, then such recognizance shall be void, otherwise of full force and effect.

SECTION 5. If the court be satisfied by information and due proof under oath that at any time during said period of one year the defendant has violated the term of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original plea or conviction, or terminate his or her release on probation and enforce the suspended sentence, as the case may be. In case of forfeiture of recognizance, and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid, in whole or in part, to the wife or to the guardian, curator, custodian or trustee of the said minor child or children.

SECTION 6. No other or greater evdence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In

no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; provided that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances, or of neglect or refusal to provide for the support and maintenance of such wife, child or children shall be prima facie evidence that such desertion, neglect or refusal is wilful.

SECTION 7. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states and territories which enact it.

SECTION 8. All acts or parts of acts inconsistent with this Act are hereby repealed.

SECTION 9. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 84

AN ACT

MAKING APPROPRIATIONS FOR THE BENEFIT OF HENRY COCKETT.

WHEREAS, one Henry Cockett, has been in the service of the Territory of Hawaii as luna for prisoners in the territorial penitentiaries for eighteen years and more;

AND WHEREAS, during that time the said Henry Cockett has been true, faithful and efficient in the discharge of his duties as such luna;

AND WHEREAS, the said Henry Cockett is now seriously ill by reason of a certain injury which he sustained while in the discharge of his duties as aforesaid;

AND WHEREAS, the said Henry Cockett is now being suspended from his said position of luna, and is in receipt of no further pay, salary or other emoluments from the Territory;

AND WHEREAS, it is to the interest of the Territory that assistance be extended to such of its true and faithful servants as are in need:

THEREFORE, in recognition of said services,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay to Henry Cockett, each and every month, and upon warrants to be issued by the Auditor of the Territory, the sum of Fifty Dollars ($50.00), and to continue so to pay until the said Henry Cockett is again able to resume work.

SECTION 2. The said payments are hereby appropriated out of the moneys received and to be received in the treasury of the Territory from the general revenues.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 85

AN ACT

To Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The Board of Supervisors of the County of Hawaii shall consist of seven members, all of whom shall be elected from among those who have been qualified electors of said county for at least one year prior to their election, all of whom shall be elected in the following prescribed manner:

Three (3) from the First Representative District,

Three (3) from the Second Representative District,

One (1) at large.

At the next county election and all elections thereafter six of such officers shall be elected as members only, while the seventh who is elected at large shall be the chairman and executive officer of said board, and shall hold office for a term of two years. All of such elections shall be conducted in the manner prescribed by law for the election of county officers, except as otherwise provided by this Act.

Section 2. The Board of Supervisors of the County of Hawaii as so constituted shall possess all the powers, perform all the duties, and be subject to all the obligations now or hereafter required by law of the board of supervisors of the county; provided, however, that the member elected as aforesaid, as chairman and executive officer of said board, shall preside at all meetings, and shall exercise and have general superintendence and control over all county affairs, and shall manage the same, subject to the advice and direction of said board.

Section 3. The Chairman and Executive Officer of the Board of Supervisors of the County of Hawaii shall receive a

salary of three Thousand ($3000.00) Dollars a year, payable monthly, and shall have and maintain an office at the county seat of said county.

SECTION 4. Each member of the board of supervisors, except the chairman and executive officer whose salary is provided for in Section 3, shall receive as compensation for his services the sum of Six Hundred ($600.00) Dollars per annum, payable in monthly installments.

SECTION 5. Any vacancy in office as a member of said board of supervisors shall be filled for the unexpired term so caused in the manner now or hereafter provided by law.

SECTION 6. All laws and parts of laws in so far as they are inconsistent herewith are hereby repealed.

SECTION 7. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 86

AN ACT

TO AMEND SECTION 1148, REVISED LAWS, AND SECTIONS 1155, 1157 AND 1159, REVISED LAWS, AS AMENDED BY ACT 131, LAWS OF 1909, RELATING TO BIRTHS, DEATHS AND MARRIAGES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1148, Revised Laws, is hereby amended to read as follows:

"Section 1148. "Board", "Registrar", "Registrar General", Defined. Wherever in this chapter the word "board" is used, it shall refer to and mean the Board of Health of the Territory of Hawaii, unless the context shall indicate some other meaning. Wherever in this chapter the word "registrar" is used, it shall refer to and mean the registrar or registrars of births, deaths and marriages, who shall be appointed by the Board of Health. Wherever in this chapter the word "Registrar-General" is used, it shall refer to and mean the Registrar-General of births, deaths and marriages, who shall be appointed by the Board of Health and whose principal office shall be kept in the City and County of Honolulu."

SECTION 2. Section 1155, Revised Laws, as amended by Act 131, Laws of 1909, is hereby amended to read as follows:

"Section 1155. Records sent to the Registrar-General. It shall be the duty of each registrar at the end of each month to transmit to the Registrar-General a full copy of the records of births, deaths and marriages made by him during said month, in such form and manner and upon such blanks as the Board may require."

SECTION 3. Section 1157, Revised Laws, as amended by Act 131, Laws of 1909, is hereby amended to read as follows:

"Section 1157. Filing records. It shall be the duty of the Registrar-General to file the records of births, deaths and marriages received from the several registrars, and as soon as practicable bind the same in compact form in the manner hereinafter provided. The records of births, deaths and marriages, and the island and districts in which they occurred, shall each be kept separately in chronological order."

SECTION 4. Section 1159, Revised Laws, is hereby amended to read as follows:

"Section 1159. Certified copies, evidence. The Registrar-General shall furnish to any person applying for the same, a certified copy of the record of any birth, death and marriage contained in any of the records kept under or by virtue of this chapter; such certified copy shall be competent evidence in any court of the fact therein contained, for which certified copy the sum of one dollar shall be charged and paid and accounted for to the treasury."

SECTION 5. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 87

AN ACT

PROVIDING FOR PAYMENT BY SPECIAL ASSESSMENT OF THE ENTIRE OR PARTIAL COST OF THE OPENING OR WIDENING OF STREETS IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever in the opinion of the Supervisors of the City and County of Honolulu it is desirable to establish or open any new street, alley or other highway, or to widen any existing street, alley or highway, and to assess the whole or a part of the cost thereof upon property benefited other than that of which the land required or to be taken shall form a part, they shall by resolution determine the district to be assessed; and shall cause the city and county engineer to prepare a list

of all known owners, lessees and occupants of the land within the proposed district, an estimate of the value of the property to be taken for the proposed improvement, and a map showing the exact location of such improvement, and the district to be assessed, in such detail and form as will readily show the approximate share of the total cost that will be assessed against each parcel of land subject to assessment.

SECTION 2. The Supervisors shall by advertisement for ten consecutive days, exclusive of Sundays and legal holidays, in some newspaper of general circulaton printed and published in the English language and twice in a weekly newspaper published in the Hawaiian language in Honolulu, give notice to the owners, lessees and occupants of the land in the proposed district and to all persons interested generally, of the proposed improvement, of the district proposed to be assessed therefor, of the probable cost and the maximum share per square foot proposed to be charged to the benefited district; of the subdistricts or zones, if any, within such district, against which different proportions of the total assessment are proposed to be charged, and of the different proportional assessments so proposed to be made; that the map may be seen and examined at the office of the city and county engineer during business hours at any time prior to the date fixed for the hearing; also fixing a date and place when and where a public hearing will be had respecting the proposed improvement and full opportunity will be given to all interested to present suggestions or objections to the general improvement proposed or any detail or part thereof, which date shall not be less than three weeks after the date of the first publication of the notice.

SECTION 3. If the owners of 55% of the area to be assessed for such improvement at the hearing or prior thereto file with the Supervisors a written protest duly acknowledged by each owner against the making of such improvement, the same shall

not be made; and the proceedings shall not be renewed within six months thereafter.

SECTION 4. If the owners of 60% of an area designated by them as a proposed district for assessment under the procedure provided by this Act shall file with the Supervisors a petition duly acknowledged by each owner requesting the establishment or opening of any new street, alley or highway, or the widening of any existing street, alley or highway, together with a map and estimate of cost, the Supervisors shall thereupon proceed in the manner provided in Section 1 of this Act and as if on their own motion.

SECTION 5. After the hearing provided in Section 2 of this Act, the Supervisors shall proceed to determine whether or not the proposed improvement shall be made and if, by resolution, they determine that such improvement shall be made, they shall cause proceedings to be brought for the condemnation of the property required for the improvement in like manner and pursuant to the requirements and provisions made by law for like proceedings when brought by the Superintendent of Public Works.

SECTION 6. After final judgment has been rendered in such condemnation proceedings and the amount required to be paid for the property condemned has been thus determined, the Supervisors shall cause the city and county engineer to prepare a corrected map similar to that required under Section 2 of this Act, showing in detail the proportionate amount per square foot proposed to be assessed against the property in the benefited district or in the several sub-districts or zones thereof, if any, and by advertisement in the same manner as that provided in said Section 2, notice shall be given of the amount of judgment, the maximum share per square foot to be charged to the benefited district or sub-districts or zones, if any, and that the corrected map may be seen and examined at the office of the

city and county engineer during business hours at any time prior to the date fixed for hearing; such notice shall also fix a date and place when a public hearing will be had and the Supervisors will sit as a Board of Equalization to receive complaints or objections respecting the method of apportionment, or respecting the proposed several assessments, which date shall not be less than three weeks after the date of the first publication of the notice; provided that any part of such judgment for opening or widening a general thoroughfare may be paid by the city and county out of general revenue, as may be provided by ordinance, and the remainder thereof shall be assessed and paid for as in any other case.

SECTION 7. After such hearing, the Supervisors shall proceed to make such modifications or changes as to them may seem equitable or just in, or shall confirm, the first proposed assessment, and upon reaching a final decision shall thereupon by ordinance fix the portions of such condemnation judgment to be assessed against the properties in the benefited district and against the owners thereof respectively.

SECTION 8. It shall be the duty of the tax assessor of the division within which the benefited district lies, to proceed forthwith to notify, by letter and by posting upon the land assessed, the several owners respectively of the several amounts due from each, and of the date when such assessments are payable. It shall also be his duty to collect said assessments, and to pay all moneys so collected to the city and county treasurer from time to time as required by such treasurer.

SECTION 9. All assessments so made shall be due and payable within thirty days after the date of the last publication of the ordinance; provided that any such assessment, may, at the election of the owner of the land assessed, be paid in installments with interest, as hereinafter provided. Failure to pay the whole of any assessment within said period of thirty

days shall be conclusively considered and held an election on the part of all persons interested in such assessment, whether under disability or otherwise, to pay in such installments. All persons so electing to pay installments shall be conclusively considered and held to have consented to said improvements and such election shall be conclusively held and considered as a waiver of any and all right to question all power or jurisdiction of the city and county to make the improvement, the regularity or the sufficiency of the proceedings, or the validity or correctness of the assessment.

SECTION 10. All assessments made pursuant to this Act shall be a lien against each lot or parcel of land assessed from the date of the first publication of the ordinance declaring the assessment until paid and shall have priority over all other liens except the lien of property taxes. No delay, mistake, error, defect or irregularity in any act or proceeding authorized by this Act shall prejudice or invalidate any assessment; but the same may be remedied by subsequent or amended acts or proceedings and when so remedied, the same shall take effect as of the date of the original act or proceeding. If in any court of competent jurisdiction any assessment made under this Act is set aside for irregularity in the proceedings, the Supervisors may, upon notice as required in making an original assessment, make a new assessment in accordance with the provisions of this Act.

SECTION 11. In case of an election to pay any assessment in installments, such assessments shall be payable in not less than five nor more than ten equal annual installments of principal with interest, in all cases, on the unpaid principal, payable annually at a rate not exceeding 6% per annum. The number of installments and period of payment and the rate of interest shall be as determined by the Supervisors.

SECTION 12. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the

unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of 1% per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest at 1% per month or fraction of a month, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any installment or payment, may at any time pay the entire unpaid principal with accrued interest.

SECTION 13. The owner of any undivided interest in any land may pay his share of any assessment.

SECTION 14. In case of default in the payment of any installment of principal and interest when due, the assessor shall advertise and sell the property concerning which such default is made, for the payment of the whole of the unpaid assessment thereon; such sale and advertisement shall be made in the same manner, under all the same conditions and penalties and with the same effect as are provided by general law for sales of real property for default in payment of property taxes.

SECTION 15. At any sale for default in payment of any assessment as aforesaid, the treasurer of the city and county shall bid for any property so to be sold the amount due on account of such unpaid assessment, and if the bid is the highest offer shall pay for the same in cash out of the general funds of the city and county, and shall thereupon receive a conveyance of said property in the name of the city and county. Property so purchased may at any time be sold by the city and county and a conveyance therefor executed in the name of the city and county by the treasurer, when such sale and conveyance shall be authorized by the Supervisors and after public auction. Any

amount so secured at any such sale shall be a general county realization.

SECTION 16. In the event of an election to pay all or any part of any such special assessment in installments, the amount required for immediate use to pay the condemnation judgment shall be secured by the issuance of sufficient district improvement bonds of the City and County of Honolulu to raise such required amount. Such bonds shall be in such exact form as may be prescribed by the Supervisors, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the number of installment payments determined upon pursuant to the provisions of this Act, and shall be subject to call as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination, not exceeding one thousand dollars each, as may be determined by the Supervisors, and shall bear interest at the rate of not more than 6% per annum, payable semi-annually, as may be determined by the Supervisors.

Such bonds shall be executed by the treasurer and issued pursuant to and under the authority and requirements of resolutions of the Supervisors. Said bonds shall be countersigned by the mayor and attested by the clerk and by the seal of the city and county. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the county treasurer. The treasurer shall preserve a record of such bonds in a suitable book kept for that purpose. Such bonds shall be payable only out of the moneys collected on account of assessments made for the improvement for which they are issued and the city and county shall not otherwise guarantee payment of any bonds issued under the provisions of this Act.

All moneys collected on account of interest and assessments for any improvement shall be kept by the treasurer of the city and county in a special fund and applied solely to the payment

of interest and principal of the bonds issued for such improvement until all such bonds shall have been paid. In the event that any surplus shall remain in any such special fund after payment of the bonds chargeable against such fund, it shall be credited to and become a part of the general revenues of the city and county.

The principal and interest of such bonds shall be payable at the office of the Treasurer of the City and County of Honolulu and may also be made payable at the office of any bank or fiduciary company in such other place or places as may be determined by the Supervisors. In all cases the bonds and coupons shall recite the place or places of payment. In case any bonds are made payable elsewhere than in Honolulu, the treasurer shall remit the funds necessary to pay the interest and principal, when due, of any such bonds, with exchange, to the institution so designated, first assuring himself that such institution is then solvent.

Bonds so issued may be used by the Supervisors at par to pay wholly or in part any judgment rendered in any condemnation proceeding brought as aforesaid, or, in the event that such bonds are not so used, they shall then be sold to the highest bidder or bidders therefor, after public advertisement for tenders for at least once each week for not less than four successive weeks in a suitable newspaper of general circulation published in the City and County of Honolulu, and the proceeds thereof shall be so applied.

SECTION 17. Whenever considered desirable by the Supervisors and whenever sufficient funds are in the hands of the City and County Treasurer, exceeding the next interest payment on the unpaid principal of any bond issue so made, the Supervisors may direct the treasurer, by resolution, to call for payment, by advertisement for not less than five days in some newspaper of general circulation published in Honolulu such

a number of bonds as there are funds to pay. At the expiration of thirty days from the first publication of said notice interest on the bonds so called for payment shall cease. The notice shall specify the serial numbers of the bonds so called, which numbers shall be determined by lot in the following manner: the treasurer shall cause to be prepared slips of paper of uniform size bearing respectively the numbers of the bonds of the issue then outstanding and shall place such slips in a suitable container in such manner that the numbers on said slips shall be hidden. He shall thereupon in the presence of the county clerk draw from said container the number of slips representing the aggregate par value of the bonds to be redeemed and paid.

SECTION 18. All bonds not previously paid shall be paid at maturity together with interest thereon as the same becomes due at the place or places and in the manner prescribed by this Act.

SECTION 19. No action or proceeding at law or in equity to review any acts or proceedings or to question the validity or enjoin the performance of any act or the issue or payment of any bonds, or the levy or collection of any assessments authorized by this Act, or for any other relief against any acts or proceedings, done or had under this Act, whether based upon irregularities or jurisdictional defects, or otherwise, shall be maintained unless begun within ninety days after performance of the act or the passage of the resolution or ordinance complained of, or else be thereafter forever barred.

SECTION 20. No bonds issued under the provisions of this Act shall be considered as city and county bonds within the meaning of Section 1212 of the Revised Laws of Hawaii as amended, nor shall the payment of the same be a charge against the general revenues of the city and county.

SECTION 21. The term "Supervisors" as used in this Act shall mean and include the Board of Supervisors of the City and County of Honolulu, as now constituted, and any other body, officer or officers succeeding to their powers and duties.

SECTION 22. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 88

AN ACT

PROVIDING FOR EXAMINATIONS AND AUDITS OF COUNTY AND CITY AND COUNTY BOOKS, VOUCHERS AND ACCOUNTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The bank examiner, or deputy bank examiner shall once in every calendar six months at such time as the territorial treasurer may designate, or oftener at the discretion of such treasurer, make an examination and audit of the books, vouchers and accounts of the treasurer and auditor of each county and city and county, or other political subdivision of the Territory.

He shall have power to examine in his discretion into any accounts, vouchers or records of any other county or city and county officer or employees; to examine any such person under oath; to administer oaths to other witnesses, and to compel the production of books, papers, accounts and other documents un-

der the possession and control of such county or city and county officer or employee.

SECTION 2. Any person who shall, under oath, wilfully and knowingly make any false statement in his examination before any such bank examiner or deputy bank examiner shall be guilty of perjury, and on conviction shall be punished as provided in Section 3052 of the Revised Laws of Hawaii.

SECTION 3. Any person, who, having been summoned as a witness by the bank examiner or deputy bank examiner to give testimony or to produce any books, papers or other documents relating to any matter under his inquiry, wilfully makes default, or who, having appeared, refuses to answer any question pertaining to the matter under inquiry shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, or by imprisonment for not less than one month, nor more than twelve months, or by both such fine and imprisonment.

SECTION 4. Whenever a witness summoned before the bank examiner or deputy bank examiner fails or refuses to testify or to produce any books, papers or other documents relating to any matter under inquiry before the bank examiner or deputy bank examiner, said examiner shall forthwith bring the matter before the Circuit Court by certifying to the Judge thereof the facts and circumstances of such failure or refusal, and shall also transmit a copy of his certificate to the Attorney General.

SECTION 5. No witness before the bank examiner or deputy bank examiner shall be privileged to refuse to testify to any fact or to produce any paper, respecting which he shall be examined by the bank examiner or deputy bank examiner, upon the ground that his testimony to such fact or his production of such paper might criminate himself, but no prosecution can afterwards be had against him for any offense concerning which

he has testified. Any official paper or record produced by such witness is not within such privilege.

SECTION 6. When such examination and audit has been performed a report shall be made by the examiner making the same, and one copy filed with the respective Board of Supervisors, and one copy filed with the Territorial Treasurer. In such report recommendations may be made and such changes suggested as to the manner of keeping accounts and books of such county and city and county treasurers and auditors or other officers, as may be deemed proper by such examining officer.

SECTION 7. For each such examination and audit there shall be paid into the territorial treasury, as a government realization, by each county the sum of One Hundred Dollars, and by each city and county the sum of Two Hundred Dollars.

SECTION 8. This Act shall take effect July 1, 1913.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 89

AN ACT

TO CREATE A PUBLIC UTILITIES COMMISSION AND TO DEFINE ITS POWERS AND DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Number, appointment, salaries, of commissioners. There is hereby created a Public Utilities Commission of

three members, who shall be called commissioners and who shall be appointed in the manner prescribed in Section 80 of the Organic Act for terms of three years, or the unexpired portions thereof, so that the term of one member shall expire on the thirtieth day of June in each year, beginning with the year 1914. One member shall also be appointed chairman of the commission and shall receive a salary of $6,000 a year. The other two members shall receive salaries of $1,200 each a year and may be salaried officers of the Territory or any political division thereof. No person owning any stocks or bonds of any public utility corporation, or having any interest, or deriving any remuneration from any public utility shall be appointed to or hold an office on the commission, or be appointed or employed by the commission.

SECTION 2. The commission shall have power to appoint and employ such attorneys, clerks, stenographers, agents, engineers, accountants and other assistants, as may be necessary, to define their powers and duties and to fix their compensation. The attorney general and his deputies shall act as attorneys of the commission, if so requested by the commission.

SECTION 3. Annual report. Said commission shall prepare and present to the governor in the month of January in each year a report respecting its actions during the preceding calendar year, together with its recommendations respecting legislation, copies of which report shall be furnished by the governor to the legislature.

SECTION 4. General powers and duties. Said commission shall have the general supervision hereinafter set forth over all public utilities doing business in the Territory of Hawaii, and shall perform the duties and exercise the powers imposed or conferred upon it by this Act.

SECTION 5. May investigate what. The commission and each commissioner shall have power to examine into the condi-

tion of each public utility doing business in the Territory, the manner in which it is operated with reference to the safety or accommodation of the public, the safety, working hours and wages of its employees, the fares and rates charged by it, the value of its physical property, the issuance by it of stocks and bonds, and the disposition of the proceeds thereof, the amount and disposition of its income, and all its financial transactions, its business relations wth other persons, companies or corporations, its compliance with all applicable Territorial and Federal Laws and with the provisions of its franchise, charter and articles of association, if any, its classifications, rules, regulations, practices and service, and all matters of every nature affecting the relations and transactions between it and the public or persons or corporations. Any such investigation may be made by the commission on its own motion, and shall be made when requested by the public utility to be investigated, or upon a sworn written complaint to the commission, setting forth any prima facie cause of complaint. All hearings conducted by the commission shall be open to the public. A majority of the commission shall constitute a quorum.

SECTION 6. Public utilities to furnish information. Every public utility shall at all times, upon request, furnish to the commission all information that it may require respecting any of the matters concerning which it is given power to investigate, and shall permit the examination of its books, records, contracts, maps, and other documents by the commission, or any of its members, or any person authorized by it in writing to make such examination, and shall furnish the commission with a complete inventory of its property in such form as the commission may direct.

SECTION 7. Report accidents. Every public utility shall report to the commission all accidents caused by or occurring in connection with its operations and service, and the commis-

sion shall investigate the causes of any accident which results in loss of life, and may investigate any other accidents which in its opinion require investigation.

SECTION 8. Commission may compel attendance of witnesses, etc. In all investigations made by the commission, and in all proceedings before it, the commission and each commissioner shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, examining witnesses, and punishing for contempt, as are possessed by circuit judges at chambers. In case of disobedience by any person or persons to any order of the commission or of any commissioner, or any subpoena issued by it or him, or of the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission or a commissioner, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court, or a refusal to testify therein. No person shall be excused from testifying or from producing any book, waybill, document, paper or account in any investigations or inquiry, or by hearing before the commission or any commissioner, when ordered to do so, upon the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind. The fee and traveling expenses of witnesses shall be the same as allowed witnesses in the circuit courts, and shall be paid by the Territory out of any appropriations available for the expenses of the commission.

SECTION 9. Rates to be published. The rates, fares, classifications, charges and rules of every public utility shall be published by the public utility in such manner as the commission may require, and copies furnished to any person on request.

SECTION 10. Notice of hearings. Whenever an investigation is undertaken by the commission, reasonable notice in writing of such fact and of the subject or subjects to be investigated shall be given to the public utility concerned, and when based upon complaints made to it as prescribed in Section 5, a copy of such complaint, and a notice in writing of the date and place fixed by the commission for beginning such investigation, shall be served upon the public utility and the complainant not less than two weeks prior to the date designated for such hearing.

SECTION 11. Right to be represented by counsel. At any investigation by or proceeding before the commission, the public utility concerned and any complainant shall have the right to be present and represented by counsel, to present any evidence desired and to cross-examine any witnesses who may be called.

SECTION 12. Commission may make rules. The commission may make and amend rules not inconsistent with law respecting the procedure before it, and shall not be bound by the strict rules of the common law relating to the admission or rejection of evidence, but may exercise its own discretion in such matters with a view to doing substantial justice.

SECTION 13. May make recommendations and bring suits. If the commission shall be of the opinion that any public utility is violating or neglecting to comply with any Territorial or Federal Law, or any provision of its franchise, charter, or articles of association, if any, or that changes, additions, extensions or repairs are desirable in its plant or service in order to meet the reasonable convenience or necessity of the public, or to in-

sure greater safety or security, or that any rates, fares, classifications, charges or rules are unreasonable or unreasonably discriminatory, or that in any way it is doing what it ought not to do, or not doing what it ought to do, it shall in writing inform the public utility of its conclusions and recommendations, shall include the same in its annual report, and may also publish the same in such manner as it may deem wise. The commission shall have power to examine into any of the matters referred to in Section 5 of this Act, notwithstanding that the same may be within the jurisdiction of the Interstate Commerce Commission, or within the jurisdiction of any court or other body, and when after such examination the commission shall be of the opinion that the circumstances warrant, it shall be its duty to effect the necessary relief or remedy by the institution and prosecution of appropriate proceedings or otherwise before said Interstate Commerce Commission, or said court or other body, in its own name or in the name of the Territory, or in the name or names of any complainant or complainants, as it may deem best.

SECTION 14. Regulate rates, etc.; appeals. All rates, fares, charges, classifications, rules and practices made, charged, or observed by any public utility, or by two or more public utilities, jointly, shall be just and reasonable, and the commission shall have power, after a hearing upon its own motion, or upon complaint, and in so far as it is not prevented by the Constiution or Laws of the United States, by order to regulate, fix and change all such rates, fares, charges, classifications, rules and practices, so that the same shall be just and reasonable, and to prohibit rebates and unreasonable discriminations between localities, or between users or consumers under substantially similar conditions. From every order made by the commission under the provisions of this section an appeal shall lie to the Supreme Court of Hawaii in like manner as an appeal lies from an order or decision of a circuit judge

at chambers. such appeal shall not of itself stay the operation of the order appealed from, but the supreme court may stay the same, after a hearing upon a motion therefor, upon such conditions as it may deem proper as to giving a bond and keeping the necessary accounts or otherwise in order to secure a restitution of the excess charges, if any, made during the pendency of the appeal in case the order appealed from should be sustained in whole or in part.

SECTION 15. Penalty. Any public utility violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this Act or any lawful order of the commission shall forfeit to the Territory not more than $1,000.00 for every such violation, neglect or failure, to be recovered by action brought in the name of the Territory by the commission.

SECTION 16. Perjury. Any person who shall wilfully and knowingly make under oath any false statement in connection with any investigation by or proceeding before the commission shall be guilty of perjury and, upon conviction, shall be subject to the penalty prescribed by law for such offense.

SECTION 17. Finances. All salaries, wages and expenses, including traveling expenses, of the commission, each commissioner and its officers, assistants and employees, incurred in the performance or exercise of the powers or duties required or conferred by this Act, may be paid out of any appropriation available for the purpose. The commission shall prescribe and collect reasonable costs and fees for services rendered by it, and shall deposit the same into the treasury of the Territory to the credit of a special fund to be called the "Public Utilities Commission Fund," which is hereby created for the purpose. There shall also be paid to the commission in the months of January and July of each year by each public utility which is subject to investigation by the commission a fee which shall be equal

to one-fortieth of one per cent of the aggregate par value of the stock and bonds issued by such public utility and outstanding on December 31 of the preceding year. Such fee shall likewise be deposited in the treasury to the credit of said fund. The moneys in said fund are hereby appropriated for the payment of all salaries, wages and expenses authorized or prescribed by this Act.

SECTION 18. Definitions. The term "public utility" as used in this Act shall mean and include every person, company or corporation, who or which may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use, for the transportation of passengers or freight, or the conveyance or transmission of telephone or telegraph messages, or the furnishing of facilities for the transmission of intelligence by electricity by land or water or air between points within this Territory, or for the production, conveyance, transmission, delivery or furnishing of light, power, heat, cold, water, gas or oil, or for the storage or warehousing of goods.

SECTION 19. Validity of this Act. If any section, subsection, sentence, clause or phrase of this Act shall for any reason be held to be invalid as to any or all matters within its terms, such decision shall not affect the validity of the remaining portions of this Act, or the validity of such portion as to any other matter within its terms.

SECTION 20. Application of this Act. This Act shall not apply to commerce with foreign nations, or commerce with the several states of the United States, except in so far as the same may be permitted under the Constitution and Laws of the United States; nor shall it apply to public utilities owned or

operated by the Territory, or any county or city and county, or other political division thereof.

SECTION 21. This Act shall take effect on July 1, 1913.
Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 90

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR PERMANENT IMPROVEMENTS AND PURPOSES INCIDENTAL THERETO TO BE IMMEDIATELY AVAILABLE OUT OF THE GENERAL REVENUES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following additional sums are hereby appropriated for the following objects out of moneys in the Treasury received from the general revenues:

1.	Repair and partial remodeling and reconstruction of the Judiciary Building, including the balance, if any, that may be found by the Superintendent of Public Works and approved by the Governor, to be justly due for architects' services	$ 15,000
2.	Moving and temporary accommodations incidental to said work	9,000
3.	Furnishing said building	40,000

4.	Mahukona Wharf and Wharf shed or Warehouse	15,000
5.	Honuapo Wharf Shed or Warehouse	500
6.	Hanalei Wharf Shed or Warehouse	500
7.	Koloa Wharf and Wharf Shed	7,000
	Provided however, that no part of this item shall be expended until the title thereto shall be quieted to the Territory.	
8.	Keawakapu Wharf	1,500
9.	Hilo Wharf	12,500
	The foregoing item for the Hilo Wharf is intended to provide for changes in the present contract therefor and shall be deemed an advance out of current revenues to loan funds and shall be reimbursed to such revenues out of such funds as soon as may be.	
10.	Buildings and improvements, Girls' Industrial School	6,000
11.	Shelter Home	7,500
12.	Steel Floor, Stairway and Index File, Archives Building	2,500
13.	Improvement of Grounds, Library of Hawaii	2,000
14.	Workshop, Storehouse, Garage, for Health Building, Hilo	2,000
15.	Tax Office, Hilo	3,000
16.	Tax Office, Hamakua	500
17.	Tax Office, Kailua	500
18.	Jail of Concrete and Jailer's House, Leper Settlement, which may be constructed by the Board of Health, without contract or advertisement for tenders	5,000
	Total	$130,000

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 91

AN ACT

APPROPRIATING FIVE THOUSAND DOLLARS FOR A ROAD THROUGH HOMESTEAD LOTS AT WAIOMAO, PALOLO VALLEY, HONOLULU.

WHEREAS, in April, 1905, certain public lands situate at Waiomao, Palolo Valley, District of Kona, Oahu, were opened for homestead and settlement under right of purchase leases, and all of said lands were taken up and settled thereunder, being lots one (1) to thirteen (13), inclusive; and

WHEREAS, in the survey of said tract there was located, and in the leases issued there were reserved, a thirty (30) foot road through said lots, and which said reservation for a thirty (30) foot road has been made in the patents issued for said lots; and

WHEREAS, the purchase money for said lots has been turned into the general fund of the Territory, and there is not sufficient road for ingress to or egress from said lots; NOW THEREFORE

Act 91. Appropriation Homestead Road, Waiomao, Palolo.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars ($5000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated toward relocating and making a fourteen (14) foot road through said lots one (1) to thirteen (13), inclusive, commencing at the beginning of said lot one (1) and extending out and along, or through the routes reserved and mapped in the patents issued to said Waiomao lots to and inclusive of said lot thirteen (13).

SECTION 2. The said sum of five thousand dollars ($5000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the superintendent of public works, who shall have charge of the construction of said road; provided that the superintendent of public works shall contract for the construction of such road, but in no case shall contract for an amount in excess of the sum of five thousand dollars ($5,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available, and the construction of said road shall be commenced as soon as the contract herein provided therefor shall be made.

SECTION 4. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR.
Governor of the Territory of Hawaii.

ACT 92

AN ACT

TO AMEND SECTION 2 OF ACT 57 OF THE SESSION LAWS OF 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 57 of the Session Laws of 1911 is hereby amended to read as follows:

"Section 2. That any land so purchased shall be laid out and sold on term payments: 10% of the purchase price to be paid by the purchaser at the time of sale, and 10% at the end of six months, and 20% annually thereafter until fully paid; deferred payments to bear interest at the rate of 6% annually. Preference in the purchase of such lots, if any, to be determined by lot, and sales to be made at such prices per lot as will, in the aggregate, return into the territorial treasury the sum hereby appropriated."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR.
Governor of the Territory of Hawaii.

ACT 93

AN ACT

To Amend Act 39 of the Session Laws of 1905 by Adding a New Section Thereto to be Known as Section 79a, Under Chapter 18, and Providing a Period After Which Warrants Drawn Upon the County Treasurer Will be Deemed to Have Lapsed, and the Money Held for the Payment Thereof Shall be Returned to the Fund From Which Drawn.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Act 39 of the Session Laws of 1905 is hereby amended by adding thereto a new section to be known as Section 79a, reading as follows:

"Section 79a. Any warrant issued by the auditor of any county and drawn upon the county treasurer of such county, under the provisions of this Act, unless presented for payment within two years after the issuance thereof, shall be deemed to have lapsed and shall not be paid, and any moneys held for the payment of such warrants shall thereupon revert to the fund from which drawn; provided, that the holder of any such warrant which has been held to have lapsed may again present his claim to the board of supervisors, or such other persons as may by law be authorized to allow the same, and upon the re-allowance thereof a new warrant shall be issued in lieu of the said warrant so held to have lapsed."

Section 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 94

AN ACT

MAKING IT A MISDEMEANOR TO MALICIOUSLY DESTROY OR DEFACE ANY NOTICE PUT UP IN COMPLIANCE WITH ANY STATUTE, ORDER OF COURT, OR ORDER OF THE TERRITORIAL BOARD OF HEALTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who shall maliciously destroy or deface any notice put up in compliance with any statute, order of court, or order of the territorial board of health, before the expiration of the period of such notice, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed one hundred ($100.00) dollars.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 95

AN ACT

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF GENERAL REVENUES FOR THE CONSTRUCTION OF STREETS IN THE AUWAIOLIMU TRACT, HONOLULU, TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF LOTS IN SAID TRACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of $60,000.00, or so much thereof as may be necessary, is hereby appropriated out of the general revenues for use, in addition to the amount now available for the purpose from the proceeds of sales of lots in said tract under the provisions of Act 62 of the Laws of 1911, in the construction of streets in the Auwaiolimu tract in Honolulu, the amount expended hereunder to be deemed an advancement out of the general revenues to the fund provided for in said Act and to be reimbursed to the general revenues out of the proceeds of sales of such lots when hereafter received.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 96

AN ACT

To Amend Section 39 of Act 118 of the Session Laws of 1907, as Amended by Act 119 of the Session Laws of 1911.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 39 of the Session Laws of 1907, as amended by Act 119 of the Session Laws of 1911, is hereby amended so as to read as follows:

"Section 39. The salaries of the several city and county officers shall be payable monthly out of the city and county treasury at the following rates:

	Per Annum.
Mayor	$3,000.00
Members of the Board of Supervisors	600.00
Sheriff	3,000.00
City and County Clerk	2,400.00
Auditor	3,000.00
City and County Attorney	3,600.00
Treasurer	3,000.00
Deputy Sheriff of the District of Honolulu	2,400.00
Deputy Sheriff of the District of Ewa	1,500.00
Deputy Sheriff of the District of Waianae	720.00
Deputy Sheriff of the District of Waialua	1,200.00
Deputy Sheriff of the District of Koolauloa	720.00
Deputy Sheriff of the District of Koolaupoko	720.00"

Section 2. This Act shall take effect on the first day of July, 1913.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 97

AN ACT

TO AMEND SECTION 1 OF ACT 67 OF THE LAWS OF 1907, RELATING TO THE EXERCISE OF THE POWER OF EMINENT DOMAIN BY THE COUNTIES AND THE CITY AND COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 67 of the Laws of 1907 is hereby amended to read as follows:

"Section 1. Each county shall have the following specific powers: To take private property for the purpose of establishing, laying out, extending and widening streets, avenues, boulevards, alleys and other public highways and roads; for pumping stations, water works, reservoirs, wells, schools, hospitals, jails, court houses, police and fire stations, city halls, office and other public buildings, cemeteries, parks, playgrounds and public squares, land from which to obtain earth, gravel, stones and other material for the construction of roads and other public works and for rights of way for drains, sewers, pipe lines, aqueducts, and other conduits for distributing water to the public; but no private property or right of way over or through the same shall be taken, without the consent of the owner thereof, until a just compensation for the same shall be ascertained and paid to said owner or into court for his use."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 98

AN ACT

To Amend Section 2625 of the Revised Laws of Hawaii as Amended by Section 2 of Act 98 of the Session Laws of 1905, and as Amended by Section 1 of Act 61 of the Session Laws of 1909, Relating to Foreign Corporations.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2625 of the Revised Laws of Hawaii as amended by Section 2 of Act 98 of the Session Laws of 1905, and as amended by Section 1 of Act 61 of the Session Laws of 1909, is hereby amended so that the same shall read as follows:

"Section 2625. Annual License. No foreign corporation, except foreign insurance companies, which does not invest and use all its capital in this Territory, shall have an office or offices in this Territory for the use of its officers, stockholders, agents or employees, nor shall do any business of any nature whatsoever in this Territory, unless it shall first have obtained from the Treasurer an annual license to do so; and for said license, every such corporation shall pay into the Treasury of the Territory, for the use of the Territory, annually, the sum of One Hundred Dollars, and the Treasurer shall not issue a license to any corporation until said license fee shall have been paid.

The Treasurer is hereby authorized to settle and have collected an account against any company violating the provisions of this Section for the amount of such license fee, together with a penalty of fifty per centum for failure to pay the same. Provided, that no license shall be necessary for any corporation engaged solely in the business of foreign or interstate commerce,

or while solely employed by the Government of the United States."

SECTION 2. This Act shall take effect July 1, 1913.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 99

AN ACT

TO AMEND SECTION 1323 OF THE REVISED LAWS AS AMENDED BY ACT 151 OF THE LAWS OF 1909, RELATING TO THE ISSUANCE OF LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1323 of the Revised Laws, as amended by Act 151 of the Laws of 1909, is hereby further amended so as to read as follows:

"Section 1323. Signed by whom. Every license shall be signed by the Treasurer of the County or City and County, within which the license is to be operative, and impressed with the seal of his office. Such seal shall be as determined by the Board of Supervisors. Provided, that any license which authorizes the licensee to do business throughout the Territory shall be signed by the Treasurer of the County or City and County in which the principal office of the licensee is situated; and provided further, that no license shall be so issued until the applicant therefor shall have filed with the Treasurer of the County or City and County a certificate showing the pay-

ment in full of all taxes due from said applicant on the date of said application."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 100

AN ACT

TO REPEAL ACT 55 OF THE SESSION LAWS OF 1911, BEING AN ACT TO DECLARE CERTAIN LANDS AS A PUBLIC PARK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 55 of the Session Laws of 1911, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 101

AN ACT

TO PROVIDE FOR THE SUPPORT AND MAINTENANCE OF BASTARDS

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, unless such child shall have been legitimatized as by law provided.

SECTION 2. Any unmarried woman when quick with child or within six months after the delivery thereof, may apply to the Judge of the Juvenile Court in which she or the alleged father of said child resides, or in which she was delivered of such child for a warrant for the arrest of the person whom she accuses of being the father thereof.

Such warrant may also be applied for by either of the parents or guardian of such mother, or by any person as the next friend of said bastard within six months after the date of its birth; and if after said complaint has been made either by the mother or by any one as above specified, the mother dies or refuses or neglects to prosecute the same, any of said persons may prosecute the case to final judgment for the benefit of the parent, guardian or the bastard.

Before issuing such warrant, the Judge shall examine the applicant under oath concerning the residence, the character and married or single condition of the mother when the child was begotten, the time and place where it was begotten, where and when it was born, if born, and such other circumstances as such judge shall deem necessary or proper for testing the truth of such accusation, and shall reduce the statement of the applicant to writing and sign the same.

SECTION 3. If, on such examination, there appears probable cause to believe that the woman is quick with child or that the

child, if born, is still under six months of age and that the accused person is the father thereof, the Judge shall issue a warrant directed to the High Sheriff of the Territory of Hawaii, his deputy, the Sheriff of the County or City and County or his deputy, or any police officer within the Circuit, requiring the accused to be arrested and brought for preliminary examination before the Judge of the Juvenile Court, who, upon such preliminary examination, may require the accused to enter into bond, with good surety to the Territory of Hawaii in a sum to be fixed by such Judge, not to exceed two thousand five hundred dollars, for his appearance and trial in the Juvenile Court, and to perform the judgment of such court, but, if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the accused shall fail to give the bond required of him, the Judge shall forthwith commit him to the custody of the Sheriff of the County or City and County, there to remain until he shall enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this Act, the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the Judge.

SECTION 4. If the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited; but the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the Court shall upon the findings of the Judge or the verdict of the jury make all such orders as it shall deem proper as though the accused were in Court. If the accused acknowledge in open Court the paternity of such child, or if at the trial the finding of the Court or jury be against the accused, the Court, in rendering judgment thereon, shall make an order for the annual payment, until the child be fourteen years of age, of such sum of money, in such installments, and in such manner, as shall to the Court seem best, taking into consideration the financial standing of the defendant,

his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance and education, and shall also make such order for the keeping, maintenance and education of the child as may be proper; and in case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused.

SECTION 5. An accused who has failed to execute bond before judgment, if he shall be adjudged to be the father of the child, shall thereupon enter into bond, with sureties, conditioned for the payment of the sum or sums adjudged in such installments and in such manner as the Court shall direct. In case of his failure to enter into such bond the Court shall commit him to the custody of the Sheriff of the County or City and County there to remain until he shall give such bond or pay the total amount of the sums adjudged. If the child shall die before the expiration of the bond, the person adjudged to be the father of the child and his sureties shall be discharged from the bond upon the payment of all amounts due before such death.

SECTION 6. The mother of the child shall be admitted as a witness in support of the complaint and may be compelled to testify, but no prosecution shall afterwards be had against her for or on account of any transaction, matter or thing concerning which she may testify or produce evidence, documentary or otherwise. If, upon examination under the provisions of Section 2, and also in the time of her travail, she accuses the same person of being the father of the child, and continues constant in such accusation, her accusation in time of travail shall be admissible in evidence upon the trial to corroborate her testimony.

SECTION 7. If any of the persons authorized by the provisions of Section 2 have intervened as therein provided, no com-

plaint instituted by the mother shall be withdrawn, dismissed or settled by agreement between her and the putative father without the consent of the Court and of the person so intervening, unless provision is made to the satisfaction of the court, to relieve and indemnify any parent, guardian, County or City and County or the Territory from all charges which have accrued or may accrue for the maintenance and education of the child and for the costs of the complaint and the prosecution thereof.

SECTION 8. When the accused shall have been confined solely for failure to make the payments required or to enter into the bond as ordered, he may apply in writing to the Judge of the Juvenile Court, setting forth his inability to make such payments, notwithstanding his desire to do so, or to enter into such required bond, whereupon the Judge shall proceed to hear and determine the matter. If, on examination, it shall appear that the accused is unable to make such payments or to execute the required bond and that he has no property exceeding $20.00 in value, except such as is by law exempt from being taken on execution for debt, the prisoner shall be discharged from imprisonment only but not from his obligation, if any, to support the child.

SECTION 9. The mother of such child, and any parent, guardian or other person as the next friend of such child, County or City and County, or the Territory, respectively, may, at any time after the liberation of the accused as provided in Section 8, recover by civil action any amount of money for which he is liable to them respectively in pursuance of such order of Court.

SECTION 10. Should the accused fail to comply with any order of the Court entered as aforesaid, the bond shall be forfeited, and the money collected upon the forfeiture shall be applied in payment of the judgment against the accused.

Act 101. Support Maintenance Bastards.
Act 102. Water Sources North and South Kona.

SECTION 11. No prosecution under this Act shall be begun more than six months after the birth of the child, provided that the time during which the person alleged to be the father thereof shall be absent from the Territory shall not be computed.

SECTION 12. This Act shall take effect on January 1, 1914.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 102

AN ACT

TO PROVIDE FOR AN INVESTIGATION AND A REPORT OF THE SAME WITH RECOMMENDATIONS OF SURFACE WATER AND SOURCES IN THE DISTRICTS OF NORTH AND SOUTH KONA, ISLAND OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of $5,000 is hereby appropriated from any funds in the Territorial Treasury not otherwise appropriated, to defray the expenses of the investigation and report hereinbelow provided for.

SECTION 2. That the Superintendent of Hydrography of the Bureau of Agriculture and Forestry, subject to the approval of the Board of Agriculture and Forestry, is hereby authorized and directed to investigate what, if any, sources of surface water supply exist, or are likely to be found in the

districts of North and South Kona, Island of Hawaii, and what sites, if any, exist for the storage of water in said districts, and to report and make recommendations, and preliminary estimates of cost thereon as soon as possible after the completion of the survey in said districts, said report, recommendations, and estimates to be submitted not later then April 1st, 1915.

SECTION 3. This Act shall take effect on July 1, 1913.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 103

AN ACT

TO SECURE THE PURITY OF SUPPLIES OF POTABLE WATER IN THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. No water shall be furnished for potable purposes in the Territory by any person, firm, corporation, or organization of any kind, county, municipal or territorial department, whether for pay or without pay, except after a certificate first obtained of the Territorial Board of Health setting forth that said Board has examined the potability of the water intended to be furnished, the source of its supply, the system of its distribution and that the water, source and system of distribution are reasonably free from contamination and pollution and that the water at the time is in the opinion of the Board suitable for potable purposes without danger to public health.

SECTION 2. No person, firm, corporation or organization of any kind, county, municipal or territorial department shall continue to furnish water for potable purposes after written notice from the Territorial Board of Health that the water, the source of supply or system of distribution is not free from contamination or pollution and that the water is in the opinion of the Board unsuitable for potable purposes and dangerous to public health.

SECTION 3. Any person, firm, corporation or organization of any kind, who shall furnish or continue to furnish water for potable purposes contrary to the provisions of this Act shall upon conviction be punished by a fine of not more than One Hundred Dollars.

SECTION 4. This Act shall take effect on January 1, 1914.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 104

TO AMEND SECTION 3130 OF THE REVISED LAWS OF HAWAII, RELATING TO COMMON NUISANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3130 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 3130. Defined. The offense of common nuisance is the endangering of the public personal safety or health, or

doing, causing or promoting, maintaining or continuing what is offensive, or annoying and vexatious, or plainly hurtful to the public, or is a public outrage against common decency or common morality, or tends plainly and directly to the corruption of the morals, honesty and good habits of the people, the same being without authority or justification by law:

As, for example, the carrying on a trade, manufacture or business in places so situated that others indiscriminately, who reside in the vicinity, or pass in a highway or public place, or resort to a school house, meeting house or any other place of legal and usual resort or assembly, are liable to be thereby injured, annoyed, disturbed or endangered by deleterious exhalations, noisome vapors, hideous, alarming or disgusting sights, intolerable noise, or otherwise;

Spreading or endangering the spreading of smallpox, or other infectious disease; carrying an infected person, or causing him to pass through a frequented street; opening a hospital or pest house so as to endanger neighbors or the passers-by in a frequented street, or otherwise;

Making or storing gunpowder in or near a populous or public or frequented place, without authority therefor, or otherwise making or storing the same contrary to law;

Blasting with excessive charge of giant powder or other explosives;

Making loud and troublesome noises by night;

Keeping animals that disturb the neighborhood by night;

Permitting ferocious or dangerous animals to go abroad;

Keeping a bawdy house;

Open lewdness or lascivious behavior, or indecent exposure;

Keeping a common gambling house;

Keeping a disorderly house to the public disturbance and annoyance;

Selling, dealing in, having in possession or using sneezing powder or any similar substance other than snuff."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 105

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE PERSONAL PROPERTY OF DECEASED LEPERS, KOKUAS OR SUSPECTS IN THE COUNTY OF KALAWAO, AND KALIHI HOSPITAL, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That whenever, by reason of the death of any leper, or of any kokua, resident in the County of Kalawao, or suspect in the Kalihi Hospital, City and County of Honolulu, Territory of Hawaii, and the want of an executor or administrator, any personal property or moneys have or shall come into the possession of the board of health, the secretary of the board of health is hereby empowered to receive such personal property or moneys and to distribute the same, upon the approval of the

attorney general, to the persons satisfactorily proven to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii, relating to the distribution of estates of intestates; provided, however, that before any such distribution shall be made, notice shall be given to any and all persons having claims to such personal property or moneys, or against any such deceased person, by publication once a week for four successive weeks in a newspaper, printed in both the Hawaiian and English languages, of general circulation in the Territory of Hawaii, or by posting in three or more conspicuous places in the Territory, to appear and file the said claims.

SECTION 2. That all such claims not presented within one year after the date of publication or posting of the said notice shall be forever barred.

SECTION 3. If the claims against such deceased persons exceed in amount such moneys, then and in such case the said secretary shall convert such other personal property into cash, or so much thereof as may be necessary, and pay such claims; or if there still be insufficient funds for such purpose, then the said secretary shall divide the same pro rata among the creditors of such deceased person.

SECTION 4. That where no such claim to any such personal property or moneys is made, or when any balance remains after the payment of any and all claims made, within the time hereby limited, the secretary of the board of health is hereby required to convert the said personal property, if there be any, into cash, and to deposit immediately the said cash or moneys or balance of the same in the treasury of the Territory of Hawaii as a government realization.

SECTION 5. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 106

AN ACT

MAKING AN APPROPRIATION FOR THE BENEFIT OF R. J. GREEN.

WHEREAS, R. J. Green has for many years served the Territory efficiently and satisfactorily; and

WHEREAS, He is now incapacitated by reason of ill health from further service; Therefore

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay, upon warrants issued by the auditor of the Territory, the sum of thirty dollars each month to R. J. Green, and to continue so to do for and during the remainder of his life; sufficient moneys to make such payments are hereby appropriated out of the general revenues of the Territory.

SECTION 2. This Act shall take effect on May 1, 1913.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 107

AN ACT

To Transfer the Supervision, Charge and Control of Highways and Streets from the Superintendent of Public Works of the Territory to the Boards of Supervisors of the Several Political Subdivisions of the Territory, Amending Certain Sections of the Revised Laws.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The general supervision, charge and control of all public highways, roads, alleys, streets, ways, lanes, squares, courts, trails and bridges in the Territory is hereby transferred from the superintendent of public works of the Territory to the several boards of supervisors or other governing bodies of the several political subdivisions of the Territory, and they are hereby charged with the execution of all duties relative thereto which are imposed upon said superintendent of public works by Sections 586 to 648 inclusive of the Revised Laws.

Section 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 108. Sidewalk Lines and Grades.
Act 109. Trustees Honolulu Sailors' Home.

ACT 108

AN ACT

RELATING TO STREET AND SIDEWALK LINES AND GRADES, REPEALING SECTIONS 737, 738, 739 AND 740 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors or other governing body of any municipal or political subdivision of the Territory is hereby authorized by ordinance to establish the grades of all streets and highways, and the grades and widths of all sidewalks within its jurisdiction.

SECTION 2. Sections 737, 738, 739 and 740 of the Revised Laws are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 109

AN ACT

TO AMEND THE ACT INCOPORATING THE HONOLULU SAILORS' HOME SOCIETY, APPROVED MAY 7, 1855, BY REDUCING THE NUMBER OF TRUSTEES OF THE SAID SOCIETY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3 of the Act incorporating the Honolulu Sailors' Home Society, approved May 7, 1855, is hereby amended to read as follows:

"Section 3. The control and disposal of the funds, property and estate of the society, and the direction of all its concerns, shall be vested in the board of trustees, consisting of six (6) persons, residing in Honolulu, who shall be chosen by the members of the society at its annual meeting as below provided, and the trustees last chosen shall hold their offices until their successors are chosen, four (4) of whom shall be a quorum at any meeting regularly convened. The board of trustees shall be divided into three (3) classes of two (2) each. One class shall go out at the end of each year, but shall be eligible for re-election. The said board shall have power to elect from their own numbers a president, vice-president, treasurer, secretary and executive committee of three (3), and to appoint such other committees as shall from time to time be deemed necessary. The board shall also have power to fill vacancies in its own body, occasioned by resignation, death or any other circumstance. At the annual election, the four (4) trustees holding over shall have power to nominate four (4) candidates, from whom two (2) may be elected by the society to fill up the board, and the present officers of said board shall continue in the office until their successors are elected."

Section 2. The existing board of trustees of said Sailors' Home Society shall continue to hold office and exercise all the powers and authorities conferred upon them by law until the new board shall have been elected under this Act; and that within thirty (30) days after the passage of this Act the proper officers of said society shall call a meeting of the society for the purpose of electing a board of six (6) trustees, in accordance with the terms hereof; that prior to such meeting of said Sailors' Home Society, the board of trustees shall meet and nominate not less than twelve (12) persons, designating four (4) as candidates for a one (1) year term, four (4) as candidates for a two (2) year term and four (4) as candidates for a three (3) year term, and from such candidates so nominated the said

society shall elect two (2) of the first class, two (2) of the second class and two (2) of the third class, and the six (6) persons so elected shall thereupon become the board of trustees of the Sailors' Home Society, and the powers and authorities vested in the board of trustees now existing shall thereupon cease and determine.

SECTION 3. Immediately following the election in Section 2 provided for, the said board of trustees shall meet and organize by the election of the proper officers as provided in Section 3 of said Act, as amended.

SECTION 4. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 110

AN ACT

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF GENERAL REVENUES FOR THE CONSTRUCTION OF HOMESTEAD ROADS IN THE DISTRICT OF KAWAIHAU, COUNTY OF KAUAI, TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF HOMESTEADS IN SAID DISTRICT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of the general revenues for use, in addition to the amount now available for the pur-

pose from the proceeds of sales of homesteads in said district under the provisions of Act 62 of the Laws of 1911, in the construction of homestead roads in the District of Kawaihau, in the County of Kauai, the amount expended hereunder to be deemed an advancement out of the general revenues to the fund provided for in said Act and to be reimbursed to the general revenues out of the proceeds of such homesteads when hereafter received.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 111

AN ACT

TO AMEND SECTION 459 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 159 OF THE SESSION LAWS OF 1911, RELATING TO GAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 459 of the Revised Laws of Hawaii, as amended by Act 159 of the Session Laws of 1911, is hereby amended to read as follows:

"Section 459. It shall be unlawful to take, kill or destroy any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud hen between the first day of May and the first day of October;

To take, kill or destroy any native wild duck between the first day of February and the first day of October;

To take, kill or destroy any quail or pheasant between the first day of February and the first day of October;

To take, kill or destroy any wild dove or wild pigeon between the first day of February and the first day of July;

To take, gather or destroy any eggs of any wild duck, mud hen or stilt, pheasant, dove, pigeon or quail at any time; to buy, sell or offer for sale, transport or have in possession any of said game at any time when it is unlawful to kill the same;

To take, kill or destroy any skylarks; to take, gather or destroy any eggs of such skylarks at any time; or to buy, sell or offer for sale, or have in possession skylarks at any time.

Any person convicted of violating any of the provisions of this Section shall be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned for a term of not less than seven days nor more than six months; one-half the fine imposed in cases of conviction to be paid to the informer."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 112

AN ACT

To Amend Division Three, Section One, Act Eighty-four, of the Session Laws of Nineteen Hundred and Nine, Relating to the Division of the Territory Into Districts for Election, Taxation, Educational, Judicial, City, County and All Other Purposes.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Division three of Section one of Act eighty-four of the Session Laws of Nineteen Hundred and Nine is hereby amended so as to read as follows:

"The Island of Oahu shall be divided into seven districts as follows:

1. From Maunalua to Moanalua inclusive, and the islands not included in any other district, to be styled the Honolulu District;

2. Ewa, to be styled the Ewa District;

3. Waianae, excluding Waianae-uka, to be styled the Waianae District;

4. From Kaena Point to and including the Ahupuaa of Waimea, excluding Wahiawa, to be styled the Waialua District;

5. From Waimea to Kaoio Point, to be styled the Koolauloa District;

6. Koolaupoko, to be styled the Koolaupoko District;

7. Wahiawa and Waianae-uka, to be styled the Wahiawa District. Provided however, that the District of Wahiawa shall be deemed to be included in the District of Waialua, for all judicial purposes."

SECTION 2. All laws and parts of laws inconsistent with the foregoing section are hereby amended so far as necessary to comply herewith.

SECTION 3. This Act shall take effect on its approval.

Approved this 24th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 113

AN ACT

RELATING TO THE MILITIA, ADDING ONE NEW SECTION TO THE REVISED LAWS OF HAWAII TO BE KNOWN AS SECTION 146A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. One new section is hereby added to the Revised Laws of Hawaii to be known as Section 146a, as follows:

"Section 146a. Boards of officers may be appointed and designated as Armory Boards. Such boards may, under the provisions of any regulations issued by the governor with reference thereto, permit the use of or may temporarily rent such portions of national guard armories as will not interfere with the military use thereof. All moneys received from rentals shall be paid into the territorial treasury, and all such moneys are hereby appropriated for the use of national guard armories and may be expended by such boards for purposes of equipment, furniture, repair or betterment of the armory from which

it was received. Armory boards shall cause to be kept suitable books of account, and shall annually submit to the governor, to be by him submitted to the legislature, a statement showing receipts from all sources and expenditures for all purposes."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 24th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 114

AN ACT

TO ADD A NEW SECTION TO THE REVISED LAWS TO BE KNOWN AS SECTION 1418J, RELATING TO LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii to be known as Section 1418j, said section to read as follows:

"Section 1418j. The boards of supervisors or other governing bodies of the several political subdivisions of the Territory of Hawaii shall have the power by ordinance to make such rules and regulations not inconsistent with law concerning the conduct of the business of all persons licensed under the provisions of this chapter, or any amendments thereof, as may be deemed necessary for the public good."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 115

AN ACT

To Constitute the Deputy Sheriffs of the Several Districts of the Territory Ex Officio License Inspectors, and Prescribing Their Duties as Such.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The deputy sheriffs of the several districts of the Territory shall be ex officio license inspectors of the districts for which they are appointed, and as such, it shall be the duty of every deputy sheriff from time to time to report to the county or city and county treasurer the names of all persons, firms or corporations within his district who are liable for the payment of license fees.

Section 2. This Act shall take effect upon the date of its approval.

Approved this 24th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 116

AN ACT

RELATING TO DEPUTY SHERIFFS, AMENDING SECTION 13 OF ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF," AS AMENDED BY SECTION 1 OF ACT 54 OF THE SESSION LAWS OF 1905, SECTION 1 OF ACT 58 OF THE SESSION LAWS OF 1909, ACT 30 OF THE SESSION LAWS OF 1911, AND BY ACT 43 OF THE SESSION LAWS OF 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 13 of Act 39 of the Session Laws of 1905, entitled "An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof," as amended by Section 1 of Act 54 of the Session Laws of 1905, Section 1 of Act 58 of the Session Laws of 1909, Act 30 of the Session Laws of 1911, and by Act 43 of the Session Laws of 1913, is hereby further amended by adding at the end of said section the following:

"Provided, however, that whenever it shall be shown to the satisfaction of the board of supervisors that an efficient person for the office of deputy sheriff cannot be found among the residents of the district, the sheriff may appoint a deputy sheriff from some other district in the county; such reputy sheriff shall be a duly qualified elector of the Territory of Hawaii, and shall have resided within the county for a period of not less than one year previous to the date of his appointment, and shall reside within the district for which he is appointed during his term of office."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 117

AN ACT

To Enable any County or City and County to Issue Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The word "county" wherever used in this Act shall mean any county or city and county at present created in the Territory of Hawaii, and any political subdivision of said Territory which may hereafter be created.

The words "board of supervisors" wherever used in this Act shall mean the board of supervisors or other governing body of any such county or city and county or political subdivision.

Section 2. The treasurer of each county, with the approval of the board of supervisors of such county, is hereby authorized and empowered to issue from time to time bonds of such county, with interest coupons attached thereto, the principal and interest to be payable in gold coin of the United States of America, or its equivalent, at its standard of weight and fineness at the time of the issuance of the bonds, in the manner, upon the terms, and for the purposes in this Act stated, but the total of such bonded indebtedness which may be incurred by any county, shall not exceed two and one-half per centum of the assessed value of the property in such county, as shown by the then last assessment for taxation, nor shall the amount of such indebtedness which may be incurred in any one calendar year exceed one-half of one per centum of such assessed value.

Section 3. Such bonds shall be issued only for the purpose of meeting the requirements of the county for the erection of penal, charitable and educational institutions, and for public buildings, wharves, roads and harbors, and other public improvements.

SECTION 4. No bonds shall be issued until the board of supervisors shall cause an election to be held in such county on the question of the issuance of such bonds. In case a majority of the registered voters of said county shall vote affirmatively at such election for the issuance of such bonds, the treasurer of such county shall issue the same, and not otherwise; provided, however, that no such issue of bonds shall be made until approved by the President of the United States in accordance with law.

SECTION 5. When the board of supervisors of any county shall deem it advisable to issue bonds under the powers granted by this Act, it shall issue a proclamation calling such election at least 60 days before the date fixed therefor. Such proclamation shall set forth the amount, rate of interest, and term of the proposed bond issue; and also a detailed statement of the uses to which it is proposed to put the proceeds of such bonds, and the date of the election. A printed copy of such proclamation shall be posted in a conspicuous place in each election precinct of said county.

SECTION 6. The precincts and polling places established for county elections shall constitute the precincts and polling places for such election, and the general laws relating to elections shall apply to such election wherever applicable.

SECTION 7. Voting booths and ballot boxes required for such election shall be furnished by the board of supervisors.

SECTION 8. The county clerk shall prepare the ballots to be used for such election. Such ballots shall contain a brief statement in both the English and the Hawaiian languages of the amount, rate of interest, and term of said bonds, and a detailed statement of the uses to which it is proposed to put the proceeds of such bonds, so set forth upon said ballot as to give each voter an opportunity to vote for or against the issuance of bonds for any one, or all, or none of the projects proposed to

be undertaken. Such ballots shall be substantially in the following form:

TERRITORY OF HAWAII

.....County of.....

It is proposed to issue bonds of this ..... County to the amount of.....Dollars, said bonds to be due in.....years, to bear interest at the rate of.....per cent per annum, and the proceeds thereof to be used as follows:

1. For ..... $...	Yes (Ae)	
	No (Aole)	
2. For ..... $...	Yes (Ae)	
	No (Aole)	
3. For ..... $...	Yes (Ae)	
	No (Aole)	

Instructions to voters: To vote in favor of issuing bonds for any one of the above projects, place a cross mark (x) after the word "Yes (Ae)"; to vote against issuing bonds for any one of the above projects, place a cross mark (x) after the word "No (Aole)". All marks otherwise made are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspectors of election and obtain another.

SECTION 9. Returns of such election shall be made to the county clerk by the inspectors of election, and such clerk shall immediately tabulate the same, and ascertain the result of such election.

SECTION 10. The approval of such issue of bonds by the President of the United States shall be conclusive proof that all requirements of law, preliminary to the issuance of such bonds, have been duly complied with, and that said bonds are in all respects valid and incontestable.

SECTION 11. All bonds issued under the authority of this Act shall bear interest, payable semi-annually, at a rate of not more than five per cent per annum, and be made redeemable at any time after five years, and payable in not more than fifteen years from the date of issue thereof, or in such other time or times, respectively, as may be hereafter authorized by law.

SECTION 12. All such bonds and the interest coupons thereof shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest shall constitute a charge upon the consolidated revenue of the county issuing them.

SECTION 13. The proceeds of all bonds issued under the authority of this Act shall be devoted exclusively to the purposes for which the same are issued, as expressed in the proclamation calling the election concerning their issuance. The unexpended balance, if any, of the proceeds of bonds issued for any specific purpose shall be transferred to the credit of the sinking fund, hereafter provided for, for the redemption of any bonds issued under this Act.

SECTION 14. The treasurer of the county, with the approval of the board of supervisors, shall determine the denominations of bonds issued under the authority of this Act, and the place or places where the principal and interest of such bonds, or any of them, shall be payable, and the method of their redemption.

Said treasurer shall make such arrangements as may be necessary or proper for the sale of the whole or any part of each authorized issue. Such arrangements shall provide for the sale

of such bonds by the county itself, upon public advertisement for tenders therefor, at least once each week for not less than nine weeks, in a newspaper of general circulation published in Honolulu, and in a newspaper, if any, of general circulation published in the county, but no bond shall be sold at less than two per cent below its nominal par value; provided, that before any sale is made, the treasurer shall first secure the approval of such sale by the board of supervisors.

SECTION 15. All bonds issued under the provisions of this Act shall be lithographed or steel engraved, and shall be signed by the county treasurer and the mayor or chairman of the board of supervisors, and be sealed with the seal of the county. Interest coupons may bear a lithographed or engraved facsimile of the signature of the county treasurer.

SECTION 16. The treasurer of the county shall pay the principal of such bonds at maturity, and the interest thereon, as the same becomes due at the place or places and in the manner prescribed for such payment under the provisions of this Act.

SECTION 17. The treasurer of the county is hereby required to establish a sinking fund with which to pay any bonded indebtedness of the county authorized hereby. Within one year from the date of any bond issue made by authority of this Act, and then, and thereafter, annually until all of the bonds of such issue have been called in, he shall, as provided by Sections 1212 and 1272a of the Revised Laws, or as may be otherwise provided by law from time to time, transfer from the receipts of the county and deposit to the credit of said sinking fund such an amount of money, compounded annually at the rate of intereest specified in the bond of such issue, that the aggregate amount so transferred, with the interest thereon, would amount to the par value of such bonds at their maturity. Except as provided by this Act, such sum so deposited shall be used for the redemption or purchase of any outstanding county bonds. The auditor

of the county shall open and keep in his books a separate and special account of this fund, which shall be known as the sinking fund account, and which shall at all times show the exact condition thereof.

SECTION 18. Whenever the sum on deposit to the credit of said sinking fund is sufficient, the treasurer of the county may redeem one or more bonds. The bonds to be redeemed shall be determined by drawings by lot at the office of the treasurer, publicly, after advertisement in a newspaper of general circulation published in the City and County of Honolulu and in the county, not less than once a week for each of three successive weeks. The treasurer shall forthwith advertise in a newspaper of general circulation published in Honolulu, and in places other than Honolulu, where interest payments upon said bonds are made, not less than once a week for three successive weeks, the numbers of the bonds so drawn, and that he is prepared to pay the same, together with all interest accrued thereon, giving the issue, date, date of payment, the date interest will cease, and such further information as may be required by the terms of said bond or any law of the Territory. If the bonds so sought to be redeemed as aforesaid are not presented for payment, or redemption, on or before the payment date specified in said advertisement, interest thereon shall cease and the amount due thereon shall be held exclusively for the payment thereof whenever presented. All redemptions shall be made as provided by law and no notice of redemption shall be required other than that hereinbefore provided.

SECTION 19. The treasurer of the county, by and with the consent of the board of supervisors, is hereby authorized to buy, in open market, any of the outstanding bonds of the county not yet redeemable, whenever there are any funds to the credit of the sinking fund account in excess of the amount needed for the redemption of any bonds then redeemable, the expense of

such purchase over and above the purchase price of said bonds to be a proper charge against the sinking fund.

SECTION 20. In case of any default in the payment of the principal of any such bonds at maturity or of the interest thereon when the same shall become due, the holder of any of the bonds on which any such default is made may bring an action at law against the county making such default, for the amount due by reason of such default, and should any moneys be then or thereafter payable by the Territory of Hawaii to the county which is defendant in such action, he may, in the petition and prayer for process, insert a request to the court or magistrate issuing process to insert therein a direction to the officer serving the same to leave a true copy thereof, attested by the high sheriff, or his deputy, or the sheriff of the county or his deeputy, with the auditor of the Territory, who, hereafter in this Act, is called the garnishee.

SECTION 21. Service of such process upon the garnishee may be made as follows: If the garnishee lives or has his office in the district where such process is issued, by handing such copy to him personally, or leaving it in his office with a deputy, clerk or other employee therein; if the garnishee does not live, nor have an office in the district where such process is issued, by handing such copy to him personally, or by depositing it in the nearest post office, enclosed in a sealed envelope, postage prepaid, and addressed to the garnishee at his office in Honolulu.

SECTION 22. It shall not be incumbent on the garnishee to appear and answer such process, but the trial of such action shall proceed in all respects as if the garnishee had not been made a party. But from the time of service upon him, it shall be unlawful for such garnishee to draw, sign or issue any warrant payable to the order of the county defendant or any of its officers, or permit or cause the same to be done, for any money

which may be then or thereafter payable to such defendant, until the action shall have been finally determined and the judgment therein rendered, if any, shall have been fully paid and satisfied with legal interest thereon; but all moneys due or to become due to such defendant shall be held in the treasury of the Territory from the time of such service until such final judgment or determination of such action; provided, however, that no more shall thus be held than shall be sufficient to meet the demand with costs and interest of plaintiff or plaintiffs in such action.

SECTION 23. After final judgment or determination of any such action, the party prevailing shall obtain from the court by which such final judgment or determination was made, a certificate, which shall sufficiently describe the action to apprise the garnishee of its identity, and shall state the nature and amount of the final judgment or determination made therein, and such certificate shall be immediately furnished to the garnishee.

SECTION 24. If final judgment is rendered against defendant in any such action, such garnishee shall immediately thereafter draw, sign and deliver to the plaintiff or plaintiffs a warrant or warrants for the sum held by him in obedience to such service of process; and if such sum shall not equal the amount of such final judgment, then the drawing, signing and delivery of such warrants shall continue to be made from time to time as funds become available until such final judgment, with interest, shall be fully paid. All warrants so drawn, signed and delivered shall be charged against the defendant.

SECTION 25. In case of successive actions being so brought against the same county defendant, precedence shall be given by the garnishee to that in which process is first served on him; and if two or more such processes are simultaneously served, precedence shall be given in the order of the priority of their

issuance by the courts or magistrates, respectively, issuing them. This order of precedence shall not be disturbed by the fact of a posterior suit being carried to final judgment earlier than its anterior in time of service of the garnishee. All amounts held on account of such anterior suit shall be held until the final determination thereof, and then applied in payment of the judgment therein. In case such amounts shall not be sufficient fully to satisfy such judgment, then all judgments obtained in posterior suits shall be again postponed to that in the anterior suit until it is satisfied.

SECTION 26. The power and authority given in this Act to the several counties to issue bonds, shall not be held in any manner to authorize and empower the counties, or any one of them, to levy and impose taxes. But should any county hereafter be authorized and empowered by law to raise revenue by the levy and imposition of taxes, and make default in the payment of any judgment secured against said county, upon an action at law for the collection of the principal or interest, or any part of either thereof, of any bond of said county, the treasurer of such county shall thereafter reserve from the consolidated revenues of said county, as soon as received, money sufficient to pay such judgment.

SECTION 27. This Act shall take effect on the date of its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 118

AN ACT

RELATING TO THE ELECTION AND TENURE OF COUNTY OFFICERS, AMENDING SECTION 14 OF ACT 39 OF THE LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 14 of Act 39 of the Laws of 1905 is hereby amended to read as follows:

"Section 14. All general elections of officers of the counties of Hawaii, Maui and Kauai, held after the year 1913, shall be held on the first Tuesday after the first Monday in the month of May in the year 1915, and every second year thereafter; and such officers shall take office at 12 o'clock meridian on the first day in the month of July following their election, unless such day be a Sunday, in which case they shall take office on the second day of such month. The officers of said counties elected in the year 1912 shall hold office until their successors to be elected in the year 1915 shall be so elected and qualified. The expenses of such elections shall be paid by the respective counties in which they are held."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 119

AN ACT

RELATING TO THE CIVIL SERVICE OF THE TERRITORIAL BOARD OF HEALTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby established a civil service commission consisting of three members, who shall be appointed by the governor in the manner prescribed by Section 80 of the Organic Act, and shall hold office for two years, or until their successors are appointed and qualified. Said members shall serve without pay, and two of them shall constitute a quorum. Not more than any two members of the said commission shall belong to the same political party, when appointed. The secretary of the territorial board of health shall act as secretary, and keep the minutes and records of said commission without additional compensation.

SECTION 2. The commission shall classify all places of employment now existing, or hereafter created in or under the territorial board of health, except the places and offices specified in Section 7 hereof. The places so classified shall constitute the classified service of the territorial board of health, and no appointment to any such place shall be made, except with the approval of the commission and in accordance with its rules and regulations.

SECTION 3. The commission, with approval of the governor, shall from time to time make such rules and regulations to govern the selection and appointment of persons to be employed in or under the territorial board of health as in its judgment shall secure to it the best service, and such rules and regulations when so approved, and after having been published once a week for three successive weeks in a newspaper of general circulation in

the City and County of Honolulu, shall have the force and effect of law. Such rules and regulations shall provide for ascertaining as far as possible the physical and educational qualifications, habits and reputation and standing and experience of all applicants, and shall provide for a competitive examination of all applicants in such subjects as shall be proper for the purpose of best determining their qualifications for the places sought. Such rules and regulations may provide for the classification of positions and for a special course of inquiry and examination for candidates for each class, and shall, with the approval of the governor, be subject to modification or repeal by the commission.

SECTION 4. Such examination shall be public and free to all citizens of the Territory, and to all persons eligible to become such, over twenty and under sixty years of age, with proper limitations as to residence, health, habits and character. Such examinations shall be practical in their character, and may include tests of manual skill and physical strength. The commission shall control all such examinations, and may designate a suitable person or persons to conduct them.

SECTION 5. Whenever any person has been appointed under the provisions of this Act and of the rules and regulations made, approved and published in conformity herewith in or under the territorial board of health, he shall hold such position or appointment during good behavior, subject to removal only as provided in said rules and regulations.

SECTION 6. Vacancies and new positions shall be filled by promotion or appointment, as the case may be, of persons then in the service, whenever practicable, and, in the opinion of the commission and of the territorial board of health, for the best advantage of said board; otherwise, from persons who have satisfactorily passed the examination prescribed by the commission for the particular position or vacancy to be filled.

SECTION 7. This Act shall not apply to the president, secretary or members of the territorial board of health, the bacteriologists and pathologists of the Territory, the physicians in charge of and treating tuberculosis, the government physicians and the employees engaged in the segregation and treatment of leprosy. Provided, however, that nothing in this Act shall be construed to prohibit the territorial board of health from employing any help that may be found necessary in times of epidemic.

SECTION 8. This Act shall not be construed to require the examination of any person at present employed in or under the territorial board of health.

SECTION 9. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,

Governor of the Territory of Hawaii.

ACT 120

AN ACT

TO PREVENT THE FISHING FOR OR TAKING OF THE FISH KNOWN AS BASS WITH NETS, AND TO PROVIDE A CLOSED SEASON FOR THE PROTECTION OF BASS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That it shall be unlawful for any person at any time to fish for or take, or be engaged in the fishing for or taking from any of the waters within said Territory, with nets of any description, the fish known as bass; and it shall be unlaw-

ful for any person to fish for or take, or be engaged in the fishing for or taking from any of the waters within said Territory the fish known as bass during any time from January 1st to June 1st, inclusive, in any year. And it shall be likewise unlawful for any person to expose or offer for sale, or to have in possession for the purpose of exposing or offering for sale any bass during or within any of the times stated in this Section. Providing, however, that the provisions of this Act shall not prohibit the taking of bass for purposes of stocking other waters, or their transfer during periods of low water.

SECTION 2. Any person offending against any of the provisions of this Act shall, for the first offense, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment not less than ten days nor more than twenty-five days, in the discretion of the court, or by both; and upon subsequent conviction of such offense, at any time within one year after a former conviction thereof, the person so convicted such subsequent time shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment not less than fifty days, nor more than one hundred days, in the discretion of the court, or by both.

SECTION 3. Any and all bass which shall be exposed or offered for sale, or held in possession with the intent of exposing or offering the same for sale, contrary to the provisions of this Act, shall be seized by any officer of the board of health or any police officer, and shall be by him forthwith sold (if fit for food), and the proceeds of such sale shall be reported to the district court having jurisdiction of such offense; and if said court shall find that such seizure and sale was justified under this Act, such said proceeds shall be adjudged forfeited to the county treasurer thereof, in like manner as fines and costs realized in such district court are now authorized to be paid; but if such court shall find such seizure and sale to have been unjustified under this Act, such proceeds shall be paid over to any claimant

thereof who shall establish his right thereto before such district court.

SECTION 4. Appeals from the decisions and judgments of said district courts, under the provisions of this Act, may be taken to the supreme court or to the appropriate circuit court, in like manner as appeals from such district courts are now provided to be taken.

SECTION 5. This Act shall take effect upon and from the date of its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii

ACT 121

AN ACT

TO AMEND THE REVISED LAWS OF HAWAII BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2230A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Revised Laws of Hawaii is hereby amended by adding thereto a new section to be known as Section 2230A.

"Section 2230A. A cross-libel may be filed in any action for divorce and affirmative relief granted thereon as fully and effectually as in original petitions for divorce."

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 122

AN ACT

TO FURTHER AMEND SECTION 1355 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY SECTION 2 OF ACT 50 OF THE SESSION LAWS OF 1911, RELATING TO LICENSE FEE FOR BILLIARD OR POOL TABLES AND BOWLING ALLEYS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1355 of the Revised Laws of Hawaii, as amended by Section 2 of Act 50 of the Session Laws of 1911, is hereby further amended so as to read as follows:

"Section 1355. Regulations; Forfeiture. No male person under the age of eighteen years or female person shall be permitted to be or remain in or about any premises where licensed billiard or pool tabls are had and operated, and no intoxicating liquor shall be allowed, furnished or possessed in such premises.

In addition to these conditions, the treasurer of each county or city and county shall have power to prescribe other regulations for the keeping of billiard or pool tables and bowling alleys as he may deem necessary for the public good.

Any person violating the above conditions, or any of the regulations so prescribed, shall be fined not more than two hundred

and fifty dollars, and shall, in the discretion of the court, suffer a forfeiture of his license."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 123

AN ACT

TO AMEND ACT 119 OF THE SESSION LAWS OF 1907, RELATING TO THE SALE OF INTOXICATING LIQUORS, BY ADDING TO SAID ACT A NEW SECTION TO BE KNOWN AS SECTION 64A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 119 of the Session Laws of 1907 is hereby amended by adding thereto a new section to be known as Section 64A to read as follows:

"Section 64A. At or after the time the notice provided for in the last preceding section is given to any licensee, the person or persons giving such notice may also give a copy of a memorandum thereof to the person therein named, or may in any other proper manner notify such person that the above named notice has been given to a licensee; and after any such person shall have been twice convicted of drunkenness, or shall have received the notice hereinabove provided for, it shall be unlawful for such person within two years after the second conviction,

or within two years after the receipt of such notice, unless such notice is sooner withdrawn, with the consent of the board of license commissioners, by the person giving the same, to purchase, acquire or procure any intoxicating liquor, or to enter or be in or upon any premises where intoxicating liquor is sold. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than ten dollars ($10.00) nor more than two hundred fifty dollars ($250.00), or by imprisonment for not more than six months, or both such fine and imprisonment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 124

AN ACT

TO AMEND SECTION 2291 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2291 of the Revised Laws of Hawaii, as amended by Act 34 of the Session Laws of 1907, is hereby amended to read as follows:

"Section 2291. Children in Public Streets, Prohibited When; Penalty. Any child under fifteen years of age who, except in case of necessity, or except when permitted so to do in writing by a judge of the juvenile court, shall go or remain

on any public street or highway after seven o'clock in the evening and before four o'clock in the morning, unaccompanied by an adult person, shall be deemed a delinquent child and may be punished as by law provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 125

AN ACT

REGULATING THE OPERATION OF AUTOMOBILES AND OTHER MOTOR VEHICLES, DEFINING THE DUTIES OF THE DRIVER AND CERTAIN OTHER OCCUPANTS THEREOF IN CERTAIN CASES OF COLLISIONS, AND PUNISHING THE NEGLECT OR REFUSAL TO PERFORM SUCH DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever an automobile, motor cycle or other motor vehicle strikes any person, or collides with any vehicle containing a person, the driver of, and all persons in such automobile, motor cycle or other motor vehicle who have or assume authority over such driver, shall immediately cause such automobile, motor cycle or other motor vehicle to stop, and shall forthwith render to the person struck, or to the occupants of such vehicle, all needed assistance, including the carrying of such person or occupant to a physician or surgeon for medical or surgical treatment, if such treatment seems to be required,

or if such carrying is requested by the person struck or occupying such vehicle; and such driver, and person having or assuming authority over him, shall forthwith give to the occupant of such vehicle or person struck the number of such automobile, motor cycle or other motor vehicle, with the name and address of the driver, and of each person in such automobile, motor cycle or other motor vehicle at the time of such striking or collision.

SECTION 2. Any person violating any of the provisions of Section 1 of this Act shall, upon conviction, be punished by imprisonment for a term of not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1913.

W. F. FREAR,
Governor of the Territory of Hawaii.

ACT 126

AN ACT

TO AMEND CHAPTER 154 OF THE REVISED LAWS OF HAWAII, RELATING TO REGISTRATION OF LAND TITLES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2412 of the Revised Laws of Hawaii as amended by Section 2, Act 43, of the Session Laws of 1907, is hereby amended so that the same shall read as follows:

"Section 2412. Application, by whom made. The owner of any estate or interest in land may apply to have his title registered."

SECTION 2. Section 2414 of the Revised Laws of Hawaii is hereby amended by striking out in lines 6 and 7 the words "whether an absolute, a qualified or possessory title is required" and inserting in place thereof the following words: "the estate or interest of the applicant in said land."

SECTION 3. Section 2441 of the Revised Laws of Hawaii is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 127

AN ACT

TO AMEND SECTION 17 OF ACT 89 OF THE LAWS OF 1913 CREATING A PUBLIC UTILITIES COMMISSION AND DEFINING ITS POWERS AND DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 17 of Act 89 of the Laws of 1913 is hereby amended to read as follows:

"Section 17. Finances. All salaries, wages and expenses, including travelling expenses, of the commission, each commis-

sioner and its officers, assistants and employees, incurred in the performance or exercise of the powers or duties required or conferred by this Act, may be paid out of any appropriation available for the purpose. Section 1889 of the Revised Laws shall apply to said commission and each commissioner, as well as to the supreme and circuit courts and the justices and judges thereof, and all costs and fees paid or collected hereunder shall be deposited in the treasury of the Territory to the credit of a special fund to be called the 'Public Utilities Commission Fund' which is hereby created for the purpose. There shall also be paid to the commission in each of the months of March and September in each year by each public utility which is subject to investigation by the commission a fee which shall be equal to one-twentieth of one per cent of the gross income from the public utility business carried on by such public utility in this Territory during the preceding year, plus one-fiftieth of one per cent of the par value of the stock issued by such public utility and outstanding on December 31 of the preceding year, if its principal business is that of performing public utility services in this Territory. Such fee shall likewise be deposited in the treasury to the credit of said fund. The moneys in said fund are hereby appropriated for the payment of all salaries, wages and expenses authorized or prescribed by this Act."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 128

AN ACT

To Amend Section 11 of Act 100 of the Laws of 1905, as Amended by Section 1 of Act 114 of the Laws of 1907, Relating to the Payment of Premiums on Official Bonds.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 11 of Act 100 of the Laws of 1905, as amended by Section 1 of Act 114 of the Laws of 1907, is hereby amended to read as follows:

"Section 11. When any corporation as hereinbefore designated shall be surety on any official bond required or authorized by this Act, the premium due such corporation for acting as such surety, and all stamps required by law to be paid thereon, shall be paid by the Territory; provided that such stamps and premiums on official bonds of license commissioners, circuit or district court officers, and all other officers whose expenditures are paid by the city and county or the several counties, shall be deemed to be included in such expenditures and shall be paid by the city and county and the several counties."

Section 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 129. County Clerks; Certification Demands
Act 130. Filling Insanitary Lands Honolulu.

ACT 129

AN ACT

To Amend Subdivision D of Section 74 of Act 39 of the Session Laws of 1905, Being "An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Subdivision D of Section 74 of Act 39 of the Session Laws of 1905, being "An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof", is hereby amended by deleting the semicolon (;) at the end thereof, and adding thereto the following "and shall deliver a copy thereof to the treasurer."

Section 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 130

AN ACT

To Authorize the Superintendent of Public Works to Contract with the Lord-Young Engineering Company, Limited, for the Filling in of Certain Insanitary Lands in Honolulu.

WHEREAS, the Superintendent of Public Works, on May 23, 1912, pursuant to law, entered into a contract with

the Lord-Young Engineering Company, Limited, to fill in certain insanitary lands at Kewalo and vicinity, described in said contract, to the estimated amount of 362,500 cubic yards at the rate of 42 cents per cubic yard, and

WHEREAS, after said contract had been entered into, certain of the owners or occupants of the lands covered by the contract filled in their lands, and certain others are desirous of doing the same, and

WHEREAS, the Grade Commission of the City and County of Honolulu is now desirous of reducing the grade in said locality; the total reduction in the amount of fill due to the filling in by the land-owners and to the lowering of the grade being estimated at 50,000 cubic yards:

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Superintendent of Public Works is hereby authorized to contract, without calling for tenders, with the Lord-Young Engineering Company, Limited, for the filling in of other insanitary lands in an amount not exceeding the estimated reduction that may be caused in the fill under said contract of May 23, 1912, either by acts of the land owners or occupants or by the Grade Commission. Said filling shall be done in Honolulu and, if practicable, on land adjoining or near the land covered by the present contract, and at a price not exceeding 42 cents per cubic yard, and shall be, as far as practicable, of material similar to or as good as that specified in the present contract with Lord-Young Engineering Company, Limited. Said fill shall be deemed to be in substitution for an equal amount under said contract and to be in all respects in fulfillment of said contract to that extent.

SECTION 2. Upon the making of the contract herein provided for, the Superintendent of Public Works shall notify the

Auditor thereof, and the Auditor shall then endorse upon both the present contract and the one herein provided for his certificate that he has transferred from the account of the former contract to that of the latter, the amount called for by the latter.

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 131

AN ACT

EMPOWERING THE CITY AND COUNTY OF HONOLULU TO PROVIDE FOR CERTAIN IMPROVEMENTS ON AND UPON THE STREETS, ALLEYS AND OTHER HIGHWAYS IN THE DISTRICT OF HONOLULU, AND FOR SUCH PURPOSES TO LEVY AND ASSESS THE COST THEREOF ON AND COLLECT THE SAME FROM THE PROPERTY BENEFITED BY SUCH IMPROVEMENTS, AND TO ISSUE AND SELL BONDS WITH SUCH ASSESSMENTS AS SECURITY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever in the opinion of the Supervisors of the City and County of Honolulu it is desirable to grade, pave, curb, macadamize or otherwise improve the whole or any part or parts of any street, alley or other highway in the District of Honolulu, and to assess the whole or a part of the cost thereof upon property benefited thereby, they shall before ordering any such improvement by resolution determine the district to

be assessed, adopt full details and specifications for the same so drawn as to permit and encourage competition; provided, however, that the Supervisors may specify any material which is of such character as not to admit of competition and the same shall then be used unless a protest against such improvement shall be filed as hereinafter provided, and shall cause the city and county engineer to prepare a list of all known owners, lessees and occupants of the land within the proposed district, an estimate of the cost of the proposed improvement, and a map showing the exact location of such improvement, and the district to be assessed, in such detail and form as will readily show the approximate share of the total cost that will be assessed against each parcel of land subject to assessment, and for such purposes the Board of Supervisors is hereby invested with power and is hereby authorized to create, define and establish improvement districts in the District of Honolulu, to assess property to provide for the cost of improvements made under this Act, and to issue and sell bonds to secure funds for carrying out such improvements, with such assessments as security therefor.

SECTION 2. The Supervisors shall by advertisement for ten consecutive days, exclusive of Sundays and legal holidays in some newspaper of general circulation printed and published in the English language in Honolulu, give notice to the owners, lessees, and occupants of the land in the proposed district and to all persons interested generally of the kind of improvement proposed, of the methods of assessment, of the district proposed to be assessed therefor, of the probable cost of such improvement and the maximum share of each estimate per front foot if the assessment is to be made on such basis or per square foot when the assessment is proposed to be made according to area, that is proposed to be charged to the benefited district; of the subdistricts or zones, if any, within such district, against which different proportions of the total assess-

ment are proposed to be charged, and of the different proportional assessments so proposed to be made; that the map may be seen and examined at the office of the city and county engineer during business hours at any time prior to the date fixed for the hearing; also fixing a date and place when a public hearing will be had respecting the proposed improvement and full opportunity will be given to all interested to present suggestions or objections to the general improvement proposed or any detail or part thereof, which date shall not be less than three weeks after the date of the first publication of the notice.

SECTION 3. If the owners of 55 per cent of the area to be assessed for such improvement at the hearing or prior thereto file with the Supervisors a written protest duly acknowledged by such owners against the making of such improvement, the same shall not be made; and the proceedings shall not be renewed within six months thereafter, unless under the provisions of Section 4 of this Act.

SECTION 4. If the owners of 60 per cent of an area designated by them as a proposed district for assessment under the procedure provided by this Act shall file with the Supervisors a petition duly acknowledged by such owners requesting the improvement of any street, alley or highway, together with map and estimate of cost, the Supervisors shall thereupon proceed in the manner provided in Section 1 of this Act and as if on their own motion. Any such petition may include a request for a particular kind of paving, whether asphalt, macadam, bitulithic, or otherwise, and unless such kind is deemed by the Supervisors unsuitable for the particular locality, it shall be used.

SECTION 5. After the hearing provided in Section 2 of this Act, the Supervisors shall proceed to determine whether or not the proposed improvement shall be made as proposed, or whether it shall be made with modifications, and in the latter

event modifications or changes restricting the area of the benefited district or lessening the cost may be made without further advertisement or hearing; but no modification or change increasing the area of the benefited district or the cost shall be made without again giving notice and a hearing in the manner provided in Section 2 of this Act. If, by resolution, they determine that such improvement shall be made, they shall cause final plans and specifications to be prepared, in every instance so specifying the material to be used either by standard or quality as to admit of genuine competition between contractors, unless pursuant to the provisions of this Act such material shall be specified as is not subject to competition.

SECTION 6. All improvements made under the provisions of this Act shall be done under contract let to the lowest responsible and reliable bidder after public advertisement by the Supervisors for not less than ten days in some newspaper of general circulation published in said City and County, provided however, that such advertisement shall not be required in cases where the material is specified which does not admit of competition. Any other method of letting such contracts shall be illegal and void. No such contract shall be made without a bond for the faithful performance thereof in such amount and with such sureties as may be approved by the Supervisors, nor until assessment hereinafter provided for shall have been finally made. No bid shall be considered unless accompanied with a certified check, or its equivalent, payable in the City and County, for not less than ten per cent of the amount bid; which check, or equivalent shall be forfeited to the City and County unless the successful bidder shall sign the contract and furnish an approved bond within ten days after the contract is awarded, and upon such signing and furnishing an approved bond shall be returned to the contractor. The Supervisors shall in all cases have the right to reject all bids, and may in

such case readvertise for tenders if they deem it advisable to do so.

SECTION 7. Before the letting of any contract as aforesaid, the Supervisors shall cause a corrected map to be prepared by the city and county engineer similar to that required under Section 2 of this Act, showing in detail the proportionate amount per front foot if the assessment is to be made on such basis or per square foot if the assessment is to be made according to area proposed to be assessed against the property in the benefited district or in the several subdistricts or zones thereof, if any, and by advertisement in the same manner as that provided in said Section 2, notice shall be given of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot as the case may be proposed to be charged to the benefited district or subdistricts or zones, if any, and that the corrected map may be seen and examined at the office of the city and county engineer during business hours at any time prior to the date fixed for hearing; such notice shall also fix a date and place when a public hearing will be had and the Supervisors will sit as a Board of Equalization to receive complaints or objections respecting the method of apportionment, or respecting the proposed several assessments, which date shall not be less than one week nor more than two weeks after the date of the first publication of the notice; provided that any part of such cost for improving a general thoroughfare may be paid by the city and county out of general revenue, as may be provided by ordinance, and the remainder thereof shall be assessed and paid for as in any other case.

SECTION 8. After such hearing, the Supervisors shall forthwith proceed to make such modifications or changes as to them may seem equitable or just in, or shall confirm, the first proposed assessment, and upon reaching a final decision shall

thereupon by ordinance fix the portions of such cost to be assessed against the properties in the benefited district and against the owners thereof respectively.

SECTION 9. It shall be the duty of the tax assessor of the division within which the benefited district lies, to proceed forthwith to notify, by letter and by posting upon the land assessed, the several owners respectively of the several amounts due from each, and of the date when such assessments are payable. It shall also be his duty to collect said assessments, and to pay all moneys so collected to the city and county treasurer from time to time as required by such treasurer.

SECTION 10. All assessments so made shall be due and payable within thirty days after the date of the last publication of the ordinance; provided that any such assessments may, at the election of the owner of the land assessed, be paid in installments with interest, as hereinafter provided. Failure to pay the whole of any assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested in such assessments, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held to have consented to said improvement and such election shall be conclusively held and considered as a waiver of any and all right to question all power or jurisdiction of the city and county to make the improvement, the regularity or the sufficiency of the proceedings, or the validity or correctness of the assessment.

SECTION 11. All assessments made pursuant to this Act shall be a lien against each lot or parcel of land assessed from the date of the first publication of the ordinance declaring the assessment until paid and shall have priority over all other liens except the lien of property taxes and for other public purposes. No delay, mistake, error, defect or irregularity in

any act or proceeding authorized by this Act shall prejudice or invalidate any assessment; but the same may be remedied by subsequent or amended acts or proceedings and when so remedied, the same shall take effect as of the date of the original act or proceeding. If in any court of competent jurisdiction any assessment made under this Act is set aside for irregularity in the proceedings, the Supervisors may, upon notice as required in making an original assessment, make a new assessment in accordance with the provisions of this Act.

SECTION 12. In case of an election to pay any assessment in installments, such assessments shall be payable in not less than five nor more than ten equal annual installments of principal with interest, in all cases, on the unpaid principal, payable annually at a rate not exceeding 6 per cent per annum. The number of installments and period of payment and the rate of interest shall be as determined by the Supervisors.

SECTION 13. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of 1 per cent per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest at 1 per cent per month or fraction of a month, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any installment or payment, may at any time pay the entire unpaid principal with accrued interest.

SECTION 14. The owner of any undivided interest in any land may pay his share of any assessment.

SECTION 15. In case of default in the payment of any installment of principal and interest when due, the assessor shall advertise and sell the property concerning which such default is made, for the payment of the whole of the unpaid assessment thereon; such sale and advertisement shall be made in the same manner, under all the same conditions and penalties and with the same effect as are provided by general law for sales of real property for default in payment of property taxes.

SECTION 16. At any sale for default in payment of any assessment as aforesaid, the treasurer of the city and county shall bid for any property so to be sold the amount due on account of such unpaid assessment, and if the bid is the highest offer shall pay for the same in cash out of the general funds of the city and county, and shall thereupon receive a conveyance of said property in the name of the city and county. Property so purchased may at any time be sold by the city and county and a conveyance therefor executed in the name of the city and county by the treasurer, when such sale and conveyance shall be authorized by the Supervisors and after public auction. Any amount so secured at any such sale shall be a general county realization.

SECTION 17. In the event of an election to pay all or any part of any such special assessment in installments, the amount required for immediate use to pay the contract price of such improvement, or the installments thereof from time to time as they fall due shall be secured by the issuance of sufficient district improvement bonds of the City and County of Honolulu to raise such required amount or amounts. Such bonds shall be in such form as may be prescribed by the Supervisors, shall bear the name of the benefited or improved district, shall be payable to bearer in a sufficient period of years to cover the number of installment payments determined upon pursuant to the provisions of this Act, and shall be subject to call

as hereinafter provided. The bonds of each issue shall bear serial numbers, shall be of such denomination, not exceeding one thousand dollars each, as may be determined by the Supervisors, and shall bear interest at the rate of not more than 6 per cent per annum, payable semi-annually, as may be determined by the Supervisors.

Such bonds shall be executed by the treasurer and issued pursuant to and under the authority and requirements of resolutions of the Supervisors. Said bonds shall be countersigned by the Mayor and attested by the clerk and by the seal of the city and county. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the county treasurer. The treasurer shall preserve a record of such bonds in a suitable book kept for that purpose. Such bonds shall be payable only out of the moneys collected on account of assessments made for the improvement for which they are issued and the city and county shall not otherwise guarantee payment of any bonds issued under the provisions of this Act.

All moneys collected on account of assessments and interest for any improvement shall be kept by the treasurer of the city and county in a special fund and applied solely to the payment of interest and principal of the bonds issued for such improvement until all such bonds shall have been paid. In the event that any surplus shall remain in any such special fund after payment of the bonds chargeable against such fund it shall be credited to and become a part of the general revenues of the city and county.

The principal and interest of such bonds shall be payable at the office of the Treasurer of the City and County of Honolulu and may also be made payable at the office of any bank or fiduciary company in such other place or places as may be determined by the Supervisors. In all cases the bonds and coupons shall recite the place or places of payment. In case

any bonds are made payable elsewhere than in Honolulu, the treasurer shall remit the funds necessary to pay the interest and principal, when due, of any such bonds, with exchange, to the institution so designated, first assuring himself that such institution is then solvent.

Bonds so issued may be used by the Supervisors at par to pay wholly or in part the contract price of any improvement made as aforesaid, or, in event that such bonds are not so used, they shall then be sold to the highest bidder or bidders therefor, after public advertisement for tenders for at least once each week for not less than four successive weeks in a suitable newspaper of general circulation published in the City and County of Honolulu, and the proceeds thereof shall be so applied.

SECTION 18. Whenever considered desirable by the Supervisors and whenever sufficient funds are in the hands of the city and county treasurer, exceeding the next interest payment on the unpaid principal of any bond issue so made, the Supervisors may direct the treasurer, by resolution, to call for payment, by advertisement for not less than five days in some newspaper of general circulation published in Honolulu such a number of bonds as there are funds to pay. At the expiration of thirty days from the first publication of said notice interest on the bonds so called for payment shall cease. The notice shall specify the serial numbers of the bonds so called, which numbers shall be determined by lot in the following manner; the treasurer shall cause to be prepared slips of paper of uniform size bearing respectively the numbers of the bonds of the issue then outstanding and shall place such slips in a suitable container in such manner that the numbers on said slips shall be hidden. He shall thereupon in the presence of the county clerk draw from said container the number of slips representing the aggregate par value of the bonds to be redeemed and paid.

SECTION 19. All bonds not previously paid shall be paid at maturity together with interest thereon as the same becomes due at the place or places and in the manner prescribed by this Act.

SECTION 20. No action or proceeding at law or in equity to review any acts or proceedings or to question the validity or enjoin the performance of any act or the issue or payment of any bonds, or the levy or collection of any assessments authorized by this Act, or for any other relief against any acts or proceedings, done or had under this Act, whether based upon irregularities or jurisdictional defects, or otherwise, shall be maintained unless begun within thirty days after performance of the act or the passage of the resolution or ordinance complained of, or else be thereafter forever barred.

SECTION 21. No bonds issued under the provisions of this Act shall be considered as city and county bonds within the meaning of Section 1212 of the Revised Laws of Hawaii as amended, nor shall the payment of the same be a charge against the general revenues of the city and county.

SECTION 22. The term "Supervisors" as used in this Act shall mean and include the Board of Supervisors of the City and County of Honolulu, as now constituted, and any other body, officer or officers succeeding to their power and duties.

SECTION 23. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 132

AN ACT

To Amend Act 100 of the Laws of 1911, Relating to Public Parks.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 1 of Act 100 of the Laws of 1911 is hereby amended so as to read as follows:

"Section 1. That all public parks and public recreation grounds in this Territory, other than Kapiolani Park and the Makiki Valley Park or Reservation, are hereby transferred to and placed in charge of the boards of supervisors of the county or city and county in which the same may be located, to be maintained, managed and controlled by them. All lands hereafter set apart or acquired for public parks and public recreation grounds shall likewise be placed in charge of and maintained by the several boards of supervisors."

Section 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 133

AN ACT

To Amend Section 3 of Act 123 of the Laws of 1909, as Amended by Section 2 of Act 131 of the Laws of 1911, Relating to the Deposit of Territorial Moneys in Banks.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 3 of Act 123 of the Laws of 1909, as amended by Section 2 of Act 131 of the Laws of 1911, is hereby amended to read as follows:

"Section 3. For the security of funds deposited by the treasurer under the provisions of this Act, there shall be deposited with the treasurer, (1) bonds of the Territory of Hawaii to an amount at least equal in their par value to the amount of the deposit with such bank or banks, or (2) bonds of the United States or of any city, county, or city and county of the Territory of Hawaii, or of any district improvement bonds of any such city, county, or city and county to an amount at least equal in their market value, not exceeding their par value, to the amount of the deposit with such bank or banks, or such industrial or other bonds as are accepted by the courts of the Territory for investment of trust funds and approved by the governor and the treasurer to an amount in value at least twenty-five per cent in excess of the amount of the deposit with such bank or banks.

When the value of any industrial bond upon open market shall be less than the par value of such bond, then the value thereof for the purpose of this Act shall be the market value of the same, otherwise such value shall be the par value of the same. If in any case, or at any time, any bonds are not deemed satisfactory security by the governor and treasurer, they shall require such additional security as may be satisfactory to them.

Such bonds, or any part thereof, may be withdrawn, provided, that the required amount of bonds to secure deposits shall be kept in the treasury. In the event that said bank or banks of deposit shall fail to pay such deposits, or any part thereof, upon presentation of a check or certificate of deposit properly endorsed, as herein provided, then it shall be the duty of the treasurer to forthwith convert said bonds into money, and to disburse the same according to law; provided, however, that he shall sell no bonds, except at public auction, after giving at least ten (10) days' notice by publication in some newspaper of general circulation in the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 134

AN ACT

TO AMEND SECTION 1 OF ACT 42 OF THE SESSION LAWS OF 1903, AS AMENDED BY ACT 89 OF THE LAWS OF 1911, PROVIDING FOR PUBLIC LOANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 42 of the Laws of 1903, as amended by Act 89 of the Laws of 1911, providing for public loans, is hereby amended so as to read as follows:

"Section 1. The treasurer of the Territory is hereby authorized and empowered, with the approval of the governor, to issue from time to time bonds of the Territory of Hawaii, with in-

terest coupons attached thereto, to an amount not exceeding nine million dollars, the principal and interest to be paid in gold coin of the United States of America, or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms, and for the purposes in this Act stated."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 135

AN ACT

RELATING TO CERTAIN GAS, ELECTRIC LIGHT AND POWER, TELEPHONE, RAILROAD AND STREET RAILWAY COMPANIES AND FRANCHISES IN THE TERRITORY OF HAWAII AND AMENDING THE LAWS RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The franchises granted by Act 30 of the Laws of 1903 of the Territory of Hawaii, as amended and approved by an Act of Congress approved April 21, 1904, Act 48 of the Laws of 1903 of said Territory, as amended and approved by an Act of Congress approved April 21, 1904, Act 66 of the Laws of 1905 of said Territory, as amended and approved by an Act of Congress approved June 20, 1906, Act 105 of the Laws of 1907 of said Territory, as amended and approved by an Act of Congress approved February 6, 1909, Act 130 of the Laws of 1907 of said Territory, as amended and approved by said Act

of Congress, approved February 6, 1909, Act 115 of the Laws of 1909 of said Territory, as amended and approved by an Act of Congress approved June 25, 1910, and Act 66 of the Laws of 1911 of said Territory, as amended and approved by an Act of Congress approved August 1, 1912, and the persons and corporations holding said franchises, shall be subject as to reasonableness of rates, prices and charges and in all other respects to the provisions of Act 89 of the Laws of 1913 of said Territory creating a public utility commission and all amendments thereof for the regulation of public utilities in said Territory, and all the powers and duties expressly conferred upon or required of the Superintendent of Public Works or the courts by said acts granting said franchises are hereby conferred upon and required of said public utility commission and any commission of similar character that may hereafter be created by the laws of said Territory, and said acts granting said franchises are hereby amended to conform herewith.

SECTION 2. This Act shall take effect upon its approval by the Congress of the United States.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 136

AN ACT

RELATING TO THE FRANCHISE OF THE HONOLULU RAPID TRANSIT AND LAND COMPANY, EXTENDING SUCH FRANCHISE AND OTHERWISE AMENDING THE LAWS RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the term of the franchise granted by Act 69 of the Laws of Hawaii of 1898 (Chapter 66 of the Revised Laws of Hawaii), is hereby extended to July 1, 1950, and the area within which said franchise may be exercised is hereby extended to include the land of Halawa in the District of Ewa, subject, however, to the terms, conditions and restrictions contained in said Act and all amendments thereof.

SECTION 2. That Section 2 of said Act 69 (Section 836 of said Revised Laws) is hereby amended by adding thereto the following subdivision:

"12. Additions, extensions and improvements of the railway and the equipment and works connected therewith shall be made or acquired by said corporation and, when so made or acquired, or when made or furnished by others, shall thereafter be maintained and operated by it, whenever, after notice and an opportunity to be heard at a public hearing, it shall be directed so to do by a commission consisting of the Governor, the Secretary, and the Chief Justice of the Territory, the First Circuit Judge of the First Circuit and the Mayor or other chief executive officer of the City and County of Honolulu or its successor, or by any public utility commission or other commission created by act of the Legislature of the Territory of Hawaii or by the Congress of the United States to act in the matter instead of said commission herein created, and increases, changes and im-

provements in the service to be rendered by said corporation shall likewise be made by it when directed so to do by said commission; provided, that said commission shall not so direct unless it shall find after such hearing that the earnings of said corporation, when maintaining and operating such additions, extensions, increases, changes and improvements together with the remainder of its railway system and service, will be sufficient for the reasonable expenses of maintenance and operation, sinking funds, dividends of eight per cent (8%) per annum on the issued stock, and the cash working fund, as provided in the first five subdivisions of Section 17 of this Act as amended, nor, in the case of additions, extensions or improvements made or furnished by others, unless the same, if made or furnished by private persons or corporations, shall be transferred to said corporation and unless said commission shall upon application therefor and after notice to the corporation and a public hearing thereon authorize the same and after the construction thereof find that the same accord with the general standard of the construction of said railway; and likewise, if it shall appear after a trial for a reasonable period that said earnings are insufficient for such purposes, after any such directed or furnished additions, extensions, increases, changes or improvements shall have been made, said commission shall permit said corporation to cease the maintenance and operation of such portion thereof as may be necessary in order to make such earnings sufficient for such purposes. Any additions, extensions, increases, changes or improvements made or acquired by said corporation shall be paid for out of earnings unless said commission shall permit or require them to be paid for out of the proceeds of bonds or unless it shall permit them to be paid for out of the proceeds of stock, provided that the commission shall not require bonds to be issued for such purposes unless the same could be sold at not less than par if they bore interest at the rate of six per cent per annum. Additions and extensions may be made and maintained on any street, road or highway within the limits

covered by the franchise when permitted by said commission after a public hearing.

SECTION 3. That Section 3 of said Act 69 (Section 837 of said Revised Laws) is hereby amended by striking out the second proviso in the first paragraph thereof and inserting in lieu thereof the following:

"And further provided that the said railway shall not be operated with cars propelled by the use of steam or animal power, but such parts thereof may be operated with power developed by the use of internal combustion engines during such hours as may be approved by the commission referred to in Section 2 of this Act as amended."

SECTION 4. Section 8 of said Act 69 as amended by Act 78 of the Laws of Hawaii of 1905 (Section 842 as amended of said Revised Laws) is hereby amended to read as follows:

"Section 8. The rates of speed of the cars of said corporation may be prescribed by the commission referred to in Section 2 of this Act as amended, and said rates may be changed from time to time by said commission as the public service may require. For each violation of any rate so prescribed the said corporation shall be subject to a penalty of one hundred dollars to be recovered in any court of competent jurisdiction at the suit of the attorney of such political division or any other person to the use of such political division."

SECTION 5. That the first two subdivisions of Section 9 of said Act 69 (Revised Laws, Sec. 843) are hereby amended to read as follows:

"1. Until July 1, 1930, said corporation may charge each passenger for a continuous ride anywhere between Wailupe and the Northwesterly side of Moanalua valley and between the sea coast and a line parallel thereto four miles inland such

fare not exceeding five cents as it may fix, and for a continuous ride wholly or partly without said limits such fare as it may fix with the approval, as to any excess over five cents, of the commission referred to in Section 2 of this Act as amended; provided that children under seventeen years of age in going to or from school shall not be required to pay more than half fares, for which purpose tickets shall be issued; and provided further that the commission referred to in Section 2 of this Act as amended may make reasonable rules and from time to time change the same, defining the words 'continuous ride' and determining the points which may be considered as fixing the limits thereof, and regulating transfers."

"2. After June 30, 1930, only such fare may be charged as shall be approved by said commission, provided that the commission shall not require a reduction of fares unless it shall find after a public hearing that the earnings of the corporation after such reduction will be sufficient for the reasonable expenses of maintenance and operation, sinking funds, dividends of eight per cent (8%) per annum on the issued stock, and the cash working fund, as provided in the first five subdivisions of Section 17 of this Act as amended; and likewise if it shall appear after a trial for a reasonable period that such earnings are insufficient for such purposes after any such reduction shall have been required, said commission shall permit such an increase in fares as will make such earnings sufficient for such purposes."

SECTION 6. Section 14 of said Act 69 (Section 848 of said Revised Laws) is hereby amended to read as follows:

"Section 14. Said corporation may, with the approval of the commission referred to in Section 2 of this Act as amended, take over, by purchase or lease, and maintain, use, operate and exercise in connection with the railway and the equipment and works connected therewith authorized by this Act, all or any

part of the property, rights, privileges and franchises of any other street railway or power company operating solely within the limits covered by the franchise granted by this Act; and said corporation shall, as soon as may be, so take over the property, rights, privileges and franchises, if any, of the Pearl Harbor Traction Company, Limited, in such manner, by such methods and upon said terms and conditions as shall be approved by said commission. The corporation may also, with similar approval, contract for the purchase of power for use in the operation of its railway and the equipment and works connected therewith and likewise contract for the sale of any power not required for such purposes."

SECTION 7. Section 15 of said Act 69 (Section 849 of said Revised Laws) is hereby amended to read as follows:

"Section 15. Said corporation may enter into such working or traffic agreements with any other railway or power company or companies operating on the Island of Oahu as may be approved by the commission referred to in Section 2 of this Act as amended."

SECTION 8. That Section 17 of said Act 69 (Section 851 of the Revised Laws) is hereby amended to read as follows:

"Section 17. Disposition of income. The income of said corporation shall be disposed of as follows:

"1. There shall be paid out of said income the expenses of maintenance and operation of the railway and of the equipment and works connected therewith, including repairs, renewals, taxes, interest, insurance premiums, damage claims and all other expenses connected with such maintenance and operation. Such expenses shall be reasonable in amount and the commission referred to in Section 2 of this Act as amended may prescribe such rules or make such orders, and from time to time change the same, as it shall find proper respecting the amount of sal-

aries or other expenditures. Said railway, equipment and works shall be maintained in first-class condition and said commission may require the setting aside and expenditure of so much of said income as it shall find reasonably necessary for this purpose.

"2. There shall be set aside each year out of said income to the credit of a sinking fund for the redemption of the bonds, if any, of said corporation such a sum of money that the aggregate of the sums so set aside, with interest thereon compounded yearly at the rate of four per cent (4%) per annum, would amount to the par value of the bonds at their maturity. Said commission, however, may permit or require a larger sum to be so set aside in any year, if there is sufficient income for the purpose after meeting the requirements of subdivisions 1, 2, 3, 4 and 5 of this Section. All income, if any, derived from investments or deposits of said sinking fund shall be used so far as may be for the redemption of any redeemable bonds of the corporation, and may, with the approval of said commission, be used for the purchase of any unredeemed bonds of the corporation.

"3. Cumulative dividends may be paid out of said income, if sufficient, after meeting the requirements of subdivisions 1 and 2 of this Section, at the rate of eight per cent (8%) per annum on the outstanding capital stock issued by said corporation and shall be paid so far as may be each year unless otherwise permitted by said commission. Said dividends may be paid in quarterly installments or in such other installments as may be approved by said commission.

"4. Beginning in the year 1925 or such earlier year as may be agreed upon by said corporation and said commission, there shall be set aside as of and as soon as may be after the last day of each year out of said income, if sufficient, or, if not sufficient, to the extent that there is available income, after meet-

ing the requirements of subdivisions 1, 2, 3 and 5 of this Section, to the credit of a stock sinking fund, such a sum of money that the aggregate of the sums so set aside previously and the sums which would then and thereafter be so set aside if there should be sufficient income and if the same amount should be so set aside each year thereafter, together with estimated interest, whether earned or not, on each such sum, compounded yearly at the rate of five per cent (5%) per annum from the time when it was or should be so set aside, would amount, on June 30, 1950, to the par value of the issued stock outstanding in the year in which said sum is so set aside. Such sums so set aside shall be kept in a separate account and may be invested in such manner as the corporation may desire or may be distributed among the stockholders with or without a corresponding reduction of the capital stock. All income derived from investments thereof may be credited to said stock sinking fund and so invested or distributed, and, if so distributed, shall not be considered as dividends on the capital stock.

"In case of the purchase of the property of said corporation as provided in Section 29 of this Act as amended, an amount equal to the aggregate of all sums so set aside or credited to said stock sinking fund, whether then in existence or not, together with estimated interest, whether earned or not, on each such sum compounded yearly at the rate of five per cent (5%) per annum from the time when it was so set aside to the date of the purchase, shall be deducted from the purchase price as provided in said Section 29 as amended, in which case the moneys, securities and properties, if any, then in said stock sinking fund, together with the amount then paid by the purchaser, may thereupon be distributed among the stockholders of said corporation.

"5. Such amount as may not be disapproved by said commission may be maintained out of said income as a cash working fund.

"6. Said corporation may, unless otherwise directed, and shall when directed by said commission, expend for additions, extensions, increases, changes and improvements of the railway, equipment, works and service so much of said income as may be deemed advisable after meeting the requirements of the preceding subdivisions of this Section.

"7. All of the income of said corporation, from whatsoever sources derived, not set aside or applied as provided in the preceding subdivisions of this Section shall be paid, one-fourth to said corporation and three-fourths to the City and County of Honolulu or such other political division as may be designated by the Legislature of Hawaii. Such payment, if any, shall be made in the month of February in each year for the preceding calendar year, and said corporation shall in said month file with the Board of Supervisors of said City and County or such other body as the Legislature may designate a detailed statement showing in such form as may be required by said Board or other body all of its receipts and expenditures during said preceding year, and all of its books, papers, records, and accounts shall at all reasonable times be open to inspection by the Governor or said commission or said Board of Supervisors or other body and their respective agents appointed by them for the purpose. Such books, records and accounts shall be kept in the form and manner required of street railway corporations under the Interstate Commerce law or as may be otherwise required by said commission not inconsistently with the form or manner required under said Interstate Commerce law."

SECTION 9. That Section 29 of said Act 69 (Section 864 of said Revised Laws) is hereby amended by adding thereto at the end thereof three subdivisions to be numbered 4, 5 and 6, respectively, and to read as follows:

"4. Said corporation and the franchise, rights and privileges granted by this Act shall be subject to such law establish-

ing a public utility commission and such other laws of a general nature as may be applicable from time to time to street railways or the companies operating them in the Territory of Hawaii or the City and County of Honolulu or its successor and not in conflict with the provisions of this Section and Section 17 of this Act as amended."

"5. This franchise may, at any time after June 30, 1930, be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii with the approval of the Congress of the United States; and the rights, privileges and powers by this Act conferred shall not be construed to be exclusive; provided that upon any such repeal the purchase authorized in subdivision 6 of this Section shall be made."

"6. At any time after June 30, 1940, the Territory, acting with the authority or at the direction of the Legislature of Hawaii, or the City and County of Honolulu, or such other political division as may be designated by said Legislature, may, upon not less than six months' notice in writing to said corporation, acquire by purchase at a price to be determined as hereinafter provided the railway, poles, wires, cars, equipment, power plant, buildings, works and all other property, both real and personal, used in connection therewith or owned by said corporation other than the moneys, securities and properties, if any, then in the stock sinking fund provided in subdivision 4 of Section 17 of this Act as amended.

"Said price shall not exceed (1) the value of the tangible property, as a going concern, to be acquired by such purchase, unaffected by the value of the franchise or good will or any other intangible element in or affecting the value of the property of said corporation or (2) the cost of such tangible property less depreciation or (3) the cost of reproducing or replacing it less depreciation, but said price shall not be less than (4) the par

value of the then-outstanding stock and bonds, if any, issued by said corporation; provided that if the property or any part thereof so to be acquired shall then be subject to any indebtedness or if said corporation shall then owe any indebtedness, the purchaser shall assume so much of said indebtedness as is bonded and may assume so much thereof as is not bonded and deduct the amount so assumed from said price; and provided further that an amount equal to the aggregate of all sums, whether then in existence or not, set aside or credited to the stock sinking fund as provided in subdivision 4 of Section 17 of this Act as amended, together with estimated interest, whether earned or not, on each such sum compounded yearly at the rate of five per cent (5%) per annum from the time when it was so set aside to the date of the purchase, shall also be deducted from said price, in which case the moneys, securities and properties, if any, then in said stock sinking fund may be distributed among the stockholders of said corporation; and provided further that in case such price less the indebtedness so assumed shall exceed the par value of such outstanding capital stock, there shall also be deducted from said price one-half of such excess if such purchase shall be made before July 1, 1940, but if such purchase shall be made after June 30, 1940, there shall be deducted from said price one-half of such excess and also an additional one-sixtieth of such excess for each whole year and fraction of a year beginning with July 1, 1940, that shall have elapsed before such purchase shall be made, whether the same shall be made before or after July 1, 1950; and provided further that the excess, if any, of the amount deductible as aforesaid on account of said stock sinking fund over said outstanding capital stock shall also be deducted from said price.

"Said purchase price, within the limitations and subject to the conditions aforesaid, shall be determined by a board of three appraisers, one to be appointed by said corporation, or, in case it should fail to do so within thirty days after being requested to do so by the purchaser, then by the Chief Justice

of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or, in case they should fail to agree upon the third member within thirty days, then by said Chief Justice. Said Chief Justice before making any such appointment shall give said purchaser and said corporation an opportunity to be heard.

"Either said corporation or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such board by filing a written notice of appeal with the board within five days after the decision is rendered. It shall thereupon be the duty of the Board immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by said corporation, the valuation claimed by the purchaser, and the valuation as determined by the board. Such certificate shall be accompanied by originals or copies of all papers, documents and testimony upon which the decision of the board was based, and a copy of such decision. Upon any such appeal the Supreme Court may permit or require further evidence to be introduced by either party.

"Within six months after the determination of the purchase price as aforesaid, the same, less the deductions aforesaid, shall be paid to said corporation, and the franchise shall thereupon cease and determine, and such railway and all other property used in connection therewith or owned by said corporation other than the moneys, securities and properties, if any, then in said sinking fund shall thereupon become the property of such purchaser without any further conveyance, but said corporation shall execute all such further conveyances and give such further assurances as may be desired by the purchaser and approved by said board or said court on appeal. The cost of the appraisement and appeal shall be borne equally by the purchaser and said corporation."

SECTION 10. That Section 37 of said Act 69 (Section 871 of said Revised Laws) is hereby amended to read as follows:

"Section 37. Issuance of stock and bonds. Said corporation may increase its capital stock as of January 1, 1913, to one million six hundred thousand dollars ($1,600,000), and may issue to its stockholders of that date or their representatives or assigns sufficient additional paid up stock to make the entire capital stock issued by said corporation of the par value of one million six hundred thousand dollars, which amount shall, subject to the outstanding bonds of five hundred and ninety-one thousand dollars, represent the entire property of the corporation as of that date. No stock in excess of said amount shall be issued by said corporation in consequence of or to represent any increase in the value of its property or any earnings, donations, proceeds of bonds or other income expended or invested in extensions or improvements of or additions to its property or upon any consideration except the direct payment of at least the par value thereof to said corporation in cash and with the approval of the commission referred to in Section 2 of this Act as amended.

Said corporation shall not issue any bond or other instrument of indebtedness, except unsecured promissory notes and other instruments in the usual course of business, unless made redeemable in not more than fifteen years and payable in not more than twenty-five years, nor unless at the highest prices obtainable therefor upon public advertisement for tenders and with the approval of said commission.

The entire proceeds of all stock and bonds, except refunding bonds, issued by said corporation shall be applied to capital expenditure, and, other than as aforesaid respecting the stock sinking fund, no money shall be paid or property distributed by said corporation to or among its stockholders except out of earnings unless the capital stock shall be reduced correspondingly; nor, except as provided by law or as approved by said commission

after a public hearing, shall said corporation purchase or invest in the stock or bonds of any other corporation or any property not reasonably required for the construction, mainteance or operation of its railway and the equipment and works connected therewith."

SECTION 11. That said Act 69 and Act 70 of the Laws of Hawaii of 1898 are hereby amended as follows:

Add to Section 1 of said Act 69 (Revised Laws, Sec. 835): "'Corporation' shall refer to and mean the Honolulu Rapid Transit and Land Company and its successors and assigns and the holder of the franchise granted by said Act 69 as amended; 'Political division' shall refer to and mean the City and County of Honolulu or such other political division of the Territory of Hawaii as may be designated by the Legislature of Hawaii; and 'Board of Supervisors' shall refer to and mean the Board of Supervisors of said City and County of Honolulu or such other body as may be designated from time to time by said Legislature."

Strike out "Governor" and "Superintendent of Public Works" and "Superintendent of Public Works, with the approval of the Governor" and "with the approval of the Governor, the Superintendent of Public Works," in subdivision 11 of Section 2, subdivisions 1, 2, 5, 8, 9 and 10 of Section 4, subdivision 4 of Section 9, subdivision 3 of Section 29, Section 33 and Section 36 of said Act 69 and Section 1 of said Act 70 (Revised Laws, Secs. 836, 838, 843, 854, 864, 868 and 870) and insert in lieu thereof "commission referred to in Section 2 of said Act 69 as amended," except in the first two sentences of said subdivision 3 of Section 29, in which sentences insert in lieu thereof "appropriate authority" and strike out "or other officer duly appointed by him," and in said Section 33 strike out "him" and insert in lieu thereof "it."

Insert "and such political division" or "or such political division," as the context requires, after "Territory" and "Territory

of Hawaii" wherever they occur in subdivision 4 of Section 4 and subdivision 3 of Section 29 (Revised Laws, Secs. 838 and 864); and in the first paragraph of said subdivision 3 of Section 29, strike out "shall" and insert in lieu thereof "may."

Strike out "Attorney General of the Territory of Hawaii, or any other person to the use of the Territory" in Section 8 of said Act 69 (Revised Laws, Sec. 842) and insert in lieu thereof "attorney of such political division, or any other person to the use of such political division."

Strike out "department" in Section 31 of said Act 69 (Revised Laws, Sec. 866) and insert in lieu thereof "of such political division."

SECTION 12. This Act shall take effect when the Honolulu Rapid Transit and Land Company, the holder of the franchise granted by said Acts 69 and 70, shall notify the Governor of Hawaii in writing that it has accepted the terms hereof by an affirmative vote of the holders of a majority of its stock; provided, that this Act shall be approved by the Congress of the United States within two years after its passage by the Legislature of the Territory of Hawaii, and that said Honolulu Rapid Transit and Land Company shall notify the Governor of such acceptance by it within six months after such action by the Congress of the United States. Upon receiving such notification the Governor shall publish notice thereof in a newspaper of general circulation published in the City and County of Honolulu.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 137

AN ACT

To Authorize and Provide for the Manufacture, Maintenance, Distribution and Supply of Electric Current for Light and Power, Within the District of Waimea, on the Island and County of Kauai, Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. W. O. Crowell of Waimea, District of Waimea, County of Kauai, Territory of Hawaii, his associates, successors and assigns, or such corporations as he or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege, for the term of fifty (50) years from and after the passage of this Act, to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of Waimea, on the Island of Kauai, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purposes which the association may deem advisable, and, from time to time, for said term of fifty (50) years, for the purposes above mentioned, subject to the approval and supervision of the board or officials having charge of said streets or roads, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes, in said District of Waimea, on the Island of Kauai, and connect by means of the said lines, wires, and conductors, any manufactory, private or public building, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time, change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which they may deem necessary for the public safety and welfare.

SECTION 3. All poles, wires, lines, cables, lamps, lamp posts, conductors, conduits and other appliances constructed, maintained or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said district, on the Island of Kauai, shall be so constructed, maintained and operated by the association as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. The entire plant, lines, poles and all other apparatus and equipment shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

SECTION 5. The association shall also have the right to maintain, use and operate electric meters or other means for measuring electric light, power or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive and collect from all consumers of electricity such reasonable prices as may be from time to time fixed and determined by the association, but such charge shall not at any time exceed twenty cents per kilowatt hour, or one thousand watt hours; and provided, however, that the association shall have the right to charge, receive and collect in lieu thereof, from each consumer

of electricity for lighting, the sum of two dollars and fifty cents per month, and from each consumer of electricity for power, the sum of one dollar and fifty cents per month per horse power of apparatus connected to the service, the same to be deemed as a flat rate and in lieu of said kilowatt hour charge; provided further, that power is hereby conferred upon the courts of ap propriate jurisdiction, or any utility commission or like commission which is, or may be hereafter, created by law of the Territory or of the United States, at all times and upon the petition of any consumer of the said association, or at the instance of said commission, to hear and determine from time to time what rate or rates are reasonable, and otherwise regulate the acts of the association, as provided by law; and to enforce the same by appropriate judgment, order or decree.

SECTION 6. The association shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials, and labor necessary to be used in making such connections; provided, however, that the association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the association a sum of money sufficient to pay one-half of the actual cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 7. The association shall have the right to acquire, hold or take over, either by purchase or lease, such property, real, personal or mixed, as may be necessary or incidental to its business; but the association shall not have the right or power to purchase any franchise or property of or shares in any other company of like nature.

SECTION 8. The association shall have power to mortgage the franchise hereby conferred and its other property to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other appliances, and the manufacturing and supplying of electricity, as provided by this Act.

SECTION 9. The right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other work for manufacturing or supplying electric current for light or power, or by placing poles and wiring the same, or constructitng conduits and laying wires therein, in any of the streets, roads or other places, for the purpose of conducting electric current for light and power, and shall have actually expended in such work a sum not less than five thousand dollars ($5,000.00) within one year from and after the date of the approval of this Act by the Congress of the United States.

SECTION 10. If the association shall fail to do or perform or comply with any of the provisions of this Act, or of the laws of the Territory of Hawaii, or the ordinances of the County of Kauai, or the rules promulgated under Section 2 of this Act, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney general, cause proceedings to be instituted before an appropriate tribunal to have the franchise hereby granted, and all rights and privileges thereunder, forfeited and declared null and void.

SECTION 11. It is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for

light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utility commission and such other laws of a general nature as may be applicable from time to time to electric light and power plants, or the companies operating them in the Territory of Hawaii, or the County of Kauai, or its successor.

SECTION 12. All property of every kind and nature, forming or used as a part of such electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of five (5) years from and after the commencement of the construction of buildings, or other works for manufacturing and supplying electricity.

SECTION 13. The association shall, within one month after the expiration of each year, file with the treasurer of the County of Kauai a statement showing the gross receipts from the sale of electric current for light and power furnished by it during such year, and shall at the same time pay to the treasurer of the County of Kauai, for and on behalf of said county, one-half of one per centum of the gross receipts secured by it from all electric current for light or power furnished to consumers during the year preceding.

SECTION 14. That the Territory of Hawaii, the County of Kauai, or any political subdivision thereof, may at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to

be appointed by the association, or in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, but such amount shall in no case exceed the actual cost or the actual value of the tangible property, or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance, but said association shall make all such further conveyances as may

be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 15. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval by the Congress to be secured within two years from the date of such approval by the governor.

SECTION 16. The Congress of the United States, or the Legislature of the Territory of Hawaii, with the approval of the Congress, may at any time amend or repeal this Act.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 138

AN ACT

RELATING TO THE HONOLULU WATER AND SEWER WORKS AND REPEALING FORMER LAWS RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Transfer to City and County. As soon as may be after the expenditure of so much as may be required out of appropriations made from loan funds for the Honolulu Water Works and the Honolulu Sewer Works before this Act takes effect and in any event not later than July 1, 1914, said water and sewer works and all moneys in the Honolulu Water and

Sewer Works fund shall be transferred from the Territory to the City and County of Honolulu or its successor.

SECTION 2. Management. Until such transfer the operation, maintenance, extension and improvement of said works, the collection and expenditure of all moneys on account thereof and the exercise and performance of all powers and duties in relation thereto shall be by the Superintendent of Public Works subject to the direction of the Governor; and after such transfer the same shall be by such officer as shall be designated by law or by the Board of Supervisors or other governing body, if any, of said City and County or its successor subject to the directions of said Board or other body.

Upon such transfer said City and County or its successor as the case may be shall assume and become liable for the payment of all indebtedness incurred by the Territory for the operation, maintenance, construction, improvement and extension of said works and the interest thereon and all contracts and other obligations of every kind of the Territory incurred by reason of or in connection with said works to the same extent to which the Territory shall be liable therefor immediately preceding such transfer.

SECTION 3. Disposition of Revenues. All revenues derived from time to time from said works shall be paid into the Treasury of the Territory or of said City and County or its successor, as the case may be, and there held as a special fund for the following purposes for which alone it shall be expended: (1) the operation and maintenance of said works; (2) interest on the bonds issued for the extension and improvement of said works; (3) the payment of said bonds, for which purpose there shall be set aside each year not less than such a sum that the aggregate of the sums so set aside, with interest thereon compounded yearly at the rate of interest specified in the bonds, would amount to the par value of the bonds at maturity, nor

more than such a sum that the aggregate of such sums with such interest would amount to the par value of the bonds when they become redeemable; and (4) the extension and improvement of said works.

In whole or partial fulfillment of its obligations under subdivisions (2) and (3) of this Section, said City and County or its successor shall after such transfer pay to the Territory on the interest dates of any such bonds as shall have been issued by the Territory, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds and also such sum or sums each year during the term for which said bonds shall have been issued, whether refunded or not, that the aggregate of the sums so paid will, compounded annually at such rate of interest, equal at the expiration of such term, such par value, and may so pay to the Territory in any year any additional sum on account of the principal of said bonds, and when any such payment shall be made on account of the principal, the interest payable thereafter shall be reduced correspondingly, and when the aggregate sums so paid on account of the principal of said bonds shall equal the par value thereof, all obligations of said City and County in respect of said bonds, principal and interest, shall be deemed to have been discharged. All amounts so paid to the Territory on account of principal, shall be credited to the Territorial sinking fund and such credit when made shall be deemed to have been made under the provisions of the first paragraph of Section 1 of Act 97 of the Laws of 1907.

SECTION 4. Water Revenues. Rates shall be charged for the use of all water and water power furnished by said works, whether to the United States, the Territory, said City and County or its successor, vessels, corporations, persons or others, except as otherwise required under contracts heretofore made.

SECTION 5. It shall be the duty of the City and County of Honolulu to operate and maintain the said works and to pay

from time to time to the Territory, out of the general revenue of the City and County for the purposes stated in divisions two and three of Section 3, deficiencies, if any, which may occur in said special fund.

SECTION 6. The Board of Supervisors, or other governing body of the City and County of Honolulu, shall have power by ordinance, to fix rates for water and for sewer privileges; to enforce the payment of such rates, with interest, if delinquent; to prescribe methods of measuring water and water power; to make such general regulations for the conduct of said works and the use by privilege holders as shall be in the public interest and not inconsistent with this Act.

SECTION 7. Settlement of Disputes. All disputes as to the water or sewer rates to be charged, the right to connect with the water and sewer mains, and all other disputes arising under the provisions of this Act may be referred to a Circuit Judge of the First Circuit Court at Chambers, and such judge shall have full power to decide the same and make all proper orders in relation thereto, which shall be final.

SECTION 8. Repeal of Existing Laws. Sections 552 to 573, both inclusive, Acts 105 and 112 of the Laws of 1909, and Act 158 of the Laws of 1911, are hereby repealed.

SECTION 9. This Act shall take effect on July 1, 1913.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 139

AN ACT

To Amend Section 8 of an Act Entitled, "An Act Relating to the Honolulu Water and Sewer Works and Repealing Former Laws Relating Thereto", Passed by the Legislature of 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 8 of an Act passed by the Legislature of the Territory of Hawaii at the Regular Session of 1913, entitled, "An Act Relating to the Honolulu Water and Sewer Works and Repealing Former Laws Relating Thereto", is hereby amended to read as follows:

"Section 8. Sections 552 to 573, both inclusive, of the Revised Laws, Acts 105 and 112 of the Laws of 1909, and Act 158 of the Laws of 1911, are hereby repealed, provided that the repeal of said Sections 553, 554, 557, 558 and 559 and said Acts 112 and 158 shall not be effective until the transfer of the water and sewer works to the City and County of Honolulu or its successor shall be made as provided in Section 1 of this Act, and provided further that until such transfer all of the powers and duties conferred upon or required of the Superintended of Public Works by said Sections 553, 554, 557, 558 and 559 and said Acts 112 and 158 shall be exercised and performed by said Superintendent subject to the direction of the Governor. The sum of Thirty Thousand Dollars or so much thereof as may be necessary is hereby appropriated out of the general revenues of the Territory for the operation and maintenance of the Honolulu Water and Sewer Works, the same to be deemed an advance to the special fund of said water and sewer works and to be reimbursed to such general revenues as soon as may be out of such fund or, if such fund shall be insuf-

ficient for the purpose, out of the general revenues of the City and County of Honolulu, before January 1, 1915."

SECTION 2. This Act shall take effect on July 1, 1913.

Approved this 29th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 140

AN ACT

TO REIMBURSE CERTAIN LABORERS AND MATERIALMEN FOR LABOR AND MATERIAL FURNISHED AND USED IN THE CONSTRUCTION OF NEW BUILDINGS AT THE BOYS' INDUSTRIAL SCHOOL AT WAIALEE, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $4,000.00, or so much thereof as may be necessary to reimburse the laborers and materialmen who furnished labor and material used in the construction of new buildings at the Boys' Industrial School at Waialee, Oahu, during the year 1912, and whose claims have not been paid.

SECTION 2. No portion of such sum shall be paid to any claimant until he shall satisfy the Superintendent of Public Works that the labor or material for which such claim is made, was actually used in the construction of the buildings aforesaid and that the same has not been paid, and until such claimant shall execute and deliver to the Superintendent of Public Works a good and sufficient legal assignment to the Territory

of Hawaii of his claim for the sum so paid, against the person, firm or corporation primarily responsible therefor.

SECTION 3. This Act shall take effect upon its approval.

Honolulu, T. H., April 30, 1913.

We hereby certify that the foregoing Bill, having previously passed the Legislature, was presented to the Governor for his signature and approval on the 17th day of April, A. D. 1913, and that on the 30th day of April, A. D. 1913, more than ten days having elapsed since such presentation, the Governor of the Territory of Hawaii returned the same to the Legislature, neither signed nor vetoed, and that the Legislature has not adjourned sine die prior to the expiration of such ten days from the time of such presentation.

ERIC A. KNUDSEN,
President of the Senate.

JOHN H. WISE,
Clerk of the Senate.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

Act 141. Defraying Expenses House.
Act 142. Municipal Warrants.: Cash Basis Fund.

ACT 141

AN ACT

To Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1913, from the Public Treasury.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. There shall be and hereby is appropriated the further sum of five thousand dollars ($5,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1913.

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 142

AN ACT

To Amend Sections 88, 99, 106 and 120 of Act 118 of the Session Laws of 1907, Being "An Act Incorporating the City and County of Honolulu," and Adding a New Section to That Act to be Called Section 105A.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 88 of Act 118 of the Laws of 1907 is hereby amended by striking out all of said section after the word

"him" in line 8 thereof, so that said section shall then read as follows:

"Section 88. All warrants issued by the auditor during each year, commencing with the first Monday of January of the year 1909 and thereafter, commencing with the first Monday after the first day of January, shall be numbered consecutively, the number, date and amount of each, the name of the person to whom payable, and the purpose for which drawn stated thereon; and they shall, at the time they are issued, be registered by him."

SECTION 2. Section 99 of Act 118 of the Laws of 1907 is hereby amended so as to read as follows:

"Section 99. When a warrant is presented to the treasurer for payment, if there is money in the treasury for that purpose, he shall pay the same and write or stamp on the face thereof "Paid," the date of payment, and sign his name thereto. No warrant upon the treasury shall be paid unless presented to the treasurer for payment before the close of the biennial period next after the biennial period in which it shall have been issued. All warrants not so presented within such time shall be deemed to have been paid, and any moneys held at the expiration of such time in a special fund or account for the payment of such warrants shall thereupon be transferred to general funds. All warrants paid by the treasurer shall be filed by him with the documents of his office; before filing said warrants, the treasurer shall, from time to time, officially advise the auditor of their payment; such notice shall contain the serial number of the warrant, name of the payee, amount and date of payment. The treasurer shall pay no warrants not properly endorsed."

SECTION 3. A new section is hereby added to Act 118 of the Laws of 1907, such section to be known as Section 105A, and to read as follows:

"Section 105A. The treasurer shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting and keeping the payment of the current expenses of the city and county on a cash basis. For this purpose, in the month of June and in the month of December of each year, he shall cause to be set aside and placed in such fund from the moneys received from taxes on real and personal property and from other sources, which would otherwise be available for the current expenses of the city and county, an amount equal to not less than one-fortieth of one per cent of the value as assessed for taxation of the real and personal property in the city and county, until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury of the city and county for the first four months or other necessary period of the succeeding half calendar year, such accumulated amount to be not less than one-fifth of one per cent of such assessed value. The treasurer shall have the power to transfer from time to time from such cash basis fund to any other fund or funds, general or special, such amount or amounts as may be required for the purpose of placing such other fund or funds as nearly as possible on a cash basis, but shall cause all moneys so transferred from the cash basis fund to be returned thereto before the end of the half calendar year in which such moneys are so transferred."

SECTION 4. Section 106 of Act 118 of the Laws of 1907 is hereby amended so as to read as follows:

"Section 106. At the first regular meeting of the month, the treasurer of the city and county shall make a detailed report to the board of supervisors of the city and county of all moneys received by him and the disbursements thereof for the previous calendar month, and all other proceedings in his office."

SECTION 5. Section 120 of said Act is hereby amended by adding to subheading (d) at the end thereof the following words: "and also deliver a copy thereof to the treasurer."

SECTION 6. This Act shall take effect on the first day of July, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 143

AN ACT

AMENDING SECTION 741 OF THE REVISED LAWS, RELATING TO STREET WIDENING IN HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 741 of the Revised Laws, relating to street widening in Honolulu is hereby amended so as to read as follows:

"Section 741. Certain streets widened, when. The streets in the District of Honolulu, on the Island of Oahu, now known as Beretania, Union, Richards, Miller, School, Hotel, Fort, Punchbowl, King, Bethel, Judd and Nuuanu streets, shall be widened as in this Chapter set forth at such times as the Board of Supervisors of the City and County of Honolulu shall decide, according to the respective surveys for such widening thereof set forth in Section 745, anything in Chapter 52 to the contrary notwithstanding.

And whenever the Board of Supervisors of the City and County of Honolulu shall deem it desirable for the public con-

venience so to increase the width of the said streets or any of them, as aforesaid, the said Board of Supervisors may cause the same to be done after requiring the damages and betterments which such increase of width will cause in private real estate affected thereby, to be appraised and settled according to the provisions of the said Chapter, except as otherwise provided in Section 742; provided, however, that if the said Supervisors, by ordinance, modify such lines hereinafter set forth, changes may be made in the same."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 144

AN ACT

MAKING IT A MISDEMEANOR TO USE OR SMOKE OPIUM OR HAVE IT IN POSSESSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who shall use or smoke opium or have the same in his possession, except as provided in Section 1399 and Section 1401 of the Revised Laws, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Fifty Dollars or more than One Hundred Dollars, or by imprisonment not more than six months.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 145

AN ACT

To Prohibit the Making or Uttering of Commercial Paper in Certain Cases.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Any person who, with intent to defraud, wilfully makes or draws, or utters or delivers to another person any check or draft on a bank, banker or depository for the payment of money, knowing at the time of such making, drawing, uttering or delivery that he has not sufficient funds in or credit with such bank, banker or depository, to meet such check or draft in full upon its presentation, shall be deemed guilty of a misdemeanor and punishable by imprisonment for not more than one year, or by fine not exceeding one thousand dollars, or both.

Section 2. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank or depository for the payment of such check or draft.

Section 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 146

AN ACT

To Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, and Acts 140 and 146 of the Session Laws of 1911, Relating to Property Exempt from Taxation.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1221 of the Revised Laws of Hawaii, as amended by Act 141 of the Session Laws of 1909, and Acts 140 and 146 of the Session Laws of 1911, be and the same is hereby amended to read as follows:

"Section 1221. Property exempt; public, educational, religious, eleemosynary. The following real and personal property shall be exempt from taxation; real and personal property belonging to the Territory; to the department of public instruction; to any county or city and county; to incorporated or private schools and in the actual use of such schools; to the Queen's Hospital; to the Kapiolani Maternity Home; to the Leahi Home; to any other public hospital which maintains a free ward, the property of all hospitals exempt from taxation being limited to that actually in use for hospital purposes; to religious societies and in actual use of such societies, the land of such societies exempt from taxation being limited to church sites and burying grounds, such sites and burying grounds not to exceed twelve acres each in extent, and the Lunalilo Home and in the actual use of such home.

All property both real and personal of public library associations shall be exempt from taxation.

The property of the value of one hundred thousand dollars of any Young Men's or Young Women's Christian Association

which is used exclusively for the moral, physical, intellectual and religious improvement of men or women.

All property both real and personal belonging to and actually used by the Kaiulani Home for Girls shall be exempt from taxation.

All property both real and personal belonging to and actually used by the Salvation Army Home, Manoa, shall be exempt from taxation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 147

AN ACT

TO MAKE AVAILABLE FOR DISBURSEMENT BY THE SPECIAL AGENT IN CHARGE OF THE UNITED STATES AGRICULTURAL EXPERIMENT STATION IN HAWAII, THE SUM OF THIRTY THOUSAND DOLLARS ($30,000.00) TO BE USED IN PROMOTING THE AGRICULTURAL INTERESTS OF THE TERRITORY, AND FACILITATING THE MARKETING OF THE PRODUCTS OF SMALL AGRICULTURAL HOLDINGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the sum of thirty thousand dollars ($30,000.00) is hereby appropriated and made available for expenditure and disbursement, during the biennial period beginning July 1, 1913, by the special agent in charge of the United States

Agricultural Experiment Station in Hawaii, to be used and expended by and under the direction of said agent, in promoting the agricultural interests of the Territory, with special relation to the development of branches of agricultural industry which are not now largely developed within said Territory, and including the establishment and maintenance, in whole or in part, of substations of said experiment station, at different points within said Territory, with a special view to the promotion and development of dairying, and the production and marketing of cereal crops, rubber, fruits, vegetables, poultry, and products of the soil, as, in the discretion of said special agent, shall appear to be warranted under all the circumstances.

SECTION 2. The money hereby appropriated shall be a charge upon the revenue derived, and which shall be derived from or under the provisions of Act 33 of the Session Laws of 1909, as amended by Act 123 of the Session Laws of 1911, any provisions of said last mentioned Act to the contrary notwithstanding; and warrants for the same shall be issued, and payments made from time to time, upon the vouchers of said special agent therefor.

SECTION 3. This Act shall take effect on the first day of July, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 148

AN ACT

To Repeal Section 9 of Act 123 of the Laws of 1911, Relative to a Marketing Superintendent; and Act 148 of the Laws of 1911, Entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii."

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 9 of Act 123 of the Laws of 1911, entitled "An Act to create a department of immigration, labor and statistics, repealing Act 49 of the Session Laws of 1905, relative to the board of immigration, and amending Section 5 of Act 33 of the Session Laws of 1909, relative to a tax on in comes for immigration purposes," be and the same is hereby repealed.

Section 2. That Act 148 of the laws of 1911, entitled "An Act to facilitate the marketing of fruits and vegetables grown in the Territory of Hawaii," be and the same is hereby repealed.

Section 3. This Act shall take effect on the first day of July, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 149

AN ACT

To Fix the School Budget for the Biennial Period Beginning July 1, 1913, and Ending June 30, 1915.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The school budget referred to in Act 88 of the Laws of 1911, as amended by Act 48, Session Laws of 1913, shall be as follows for the biennial period beginning July 1, 1913, and ending June 30, 1915:

GENERAL FUND.

Salary of Superintendent		$ 7,200.00
Salaries of office force		18,600.00
Inspector general	4,800.00	
Secretary	3,600.00	
Assistant secretary and bookkeeper	3,600.00	
Stenographer	2,760.00	
Clerk and typist	2,640.00	
Shipping clerk	1,200.00	
General expenses		11,500.00
Stationery, postage and incidentals	8,000.00	
Traveling expenses (commissioners and committee of estimates)	2,000.00	
Traveling expenses, inspector general	1,500.00	
Supplies		18,000.00
Libraries and books		10,000.00
Manual training and vocational guidance		45,000.00
Manual training, equipment, supplies and incidentals	25,000.00	
Vocational instructors (at least one for each county)	20,000.00	

Maintenance of Special Schools:		
Boys' Industrial School		47,900.00
Salary of superintendent	4,000.00	
Salaries of night watchmen	3,600.00	
Salary of cook and baker	1,800.00	
Maintenance and repairs	25,000.00	
Band instruments	500.00	
New buildings, equipment and improvements	13,000.00	
Girls' Industrial School		32,040.00
Salary of superintendent	3,000.00	
Salaries of house mothers and instructors	5,000.00	
Salaries of night watchmen and janitors	2,040.00	
Maintenance and repairs	16,000.00	
New buildings, equipment and improvements	6,000.00	
Lahainaluna Industrial School		26,000.00
Maintenance and repairs	20,000.00	
New buildings, equipment and improvements	6,000.00	
Normal and Training School		8,480.00
Maintenance and repairs	2,480.00	
New buildings, equipment and imprvoments	6,000.00	
Summer Schools		5,000.00
Total		$230,720.00

SPECIAL FUND.

	County or City and County			
	Hawaii	Maui	Honolulu	Kauai
New buildings, as enumerated below ..	$ 92,855	$41,000	$ 73,150	$23,100

Repairs and maintenance of buildings and grounds	16,000	7,600	20,500	3,000
Furniture and fixtures	20,000	14,500	9,700	5,000
Janitor service and supplies	10,000	9,000	23,000	5,000
	$138,855	$72,100	$126,350	$36,100

Provided, however, that $445.65 of the $9,700.00 furniture and fixtures allotted as above to the City and County of Honolulu shall be expended in payment of bill for $151.55, school desks and furniture for Waipio School, Hamakua, Hawaii, and of bill for $294.10, school desks and furniture for Happy Home School, Puna, Hawaii.

Total of Special Fund $373,405.00
Total of General Fund 230,220.00
Total of General and Special Funds 603,625.00

The new buildings proposed to be erected during the biennial period ending June 30, 1915, and for which the total sum of $230,105.00, as set forth above, is estimated to be necessary, are as follows:

County of Hawaii:

Hilo Union, completing two wings	$22,000.00
Haaheo	1,150.00
Waiakea-kai	1,250.00
Hilo High School	1,400.00
Laupahoehoe	1,000.00
Kapehu	3,200.00
Hakalau	1,500.00
Pohakupuka	2,000.00
Honomu	5,000.00
Pepeekeo	1,500.00
Papaikou	8,000.00

Kaumana	1,000.00
Kaiwiki	400.00
Puueo	400.00
Keaau	2,400.00
Olaa	500.00
Olaa, 29 Miles	1,000.00
Glenwood	500.00
Kapoho	300.00
Mountain View	2,600.00
Pahoa	500.00
Kauaea	1,800.00
Kalapana	700.00
Happy Home	500.00
Waiakea Camp 5	2,500.00
Piihonua	2,250.00
Punaluu	800.00
Pahala	1,500.00
Honuapo	500.00
Waiohinu	1,800.00
Makalawena	400.00
Kalaoa	200.00
Holualoa	500.00
Kona-waena	1,000.00
Napoopoo	400.00
Honaunau	800.00
Alae	100.00
Milolii	140.00
Honokohau	265.00
Kukuihaele	2,500.00
Kapulena	700.00
Honokaa	2,500.00
Paauhau	2,000.00
Kaapahu	1,400.00
Paauilo	1,400.00
Keehia	400.00

Kohala Homestead	1,100.00
Puuepa Homestead	1,000.00
Honomakau	2,300.00
Halawa	1,200.00
Makapala	1,400.00
Waikii	1,200.00
Total	$92,855.00

County of Maui:

Keanae	$ 2,000.00
Ulaino	1,000.00
Kaeleku	1,000.00
Hana	1,000.00
Hamoa	2,000.00
Kaupo	1,000.00
Makena	1,000.00
Keokea	1,000.00
Kealahou	1,000.00
Kaupakalua	1,000.00
Halehaku	1,500.00
Haiku	1,000.00
Paia	2,000.00
Keahua	1,000.00
Camp 1	1,500.00
Puunene	2,500.00
Kahului	1,000.00
Wailuku	3,000.00
Waiakoa Camp 2	2,500.00
Kihei	1,000.00
Kapuhau	2,500.00
Lahaina	1,000.00
Olowalu	1,500.00
Puukolii	2,500.00
Honokahua	2,500.00

Kaluaaha	1,000.00
Halawa	1,000.00
Total	$41,000.00

City and County of Honolulu:

Kaahumanu	$ 3,000.00
Moiliili	3,000.00
Waikiki	5,000.00
Manoa	1,200.00
Liliuokalani	500.00
Royal	2,950.00
Pohukaina	2,500.00
Kaiulani	10,000.00
Maemae	10,000.00
Kalihi-waena	10,000.00
Moanalua	1,200.00
Aiea	2,600.00
Pearl City	200.00
Waipahu	2,200.00
Ewa	2,600.00
Watertown	600.00
Waianae	100.00
Waialua	4,200.00
Wahiawa	1,800.00
Kahuku	3,000.00
Kaneohe	2,700.00
Hauula	1,100.00
Kaaawa	800.00
Waiahole	200.00
Kailua	900.00
Waimanalo	800.00
Total	$73,150.00

County of Kauai:

Kapaa	1,200.00
Hanamaulu	900.00
Lihue	900.00
Lihue, High School Department	3,000.00
Koloa	1,300.00
Kalaheo	700.00
Hanapepe	600.00
Makaweli	700.00
Waimea	12,850.00
Kekaha	350.00
Mana	600.00
Total	$23,100.00

Provided, however, that for and during the half year ending December 31, 1913, there shall not be expended by the Territory, and need not be allotted or expended by the counties or city and county, respectively, for the above purposes out of the above amounts, more than one-fourth of the amounts set forth in Section 7 of Act 88 of the Laws of 1911, as amended by Act 48, Session Laws of 1913, or any part of the amounts hereinabove set forth for purposes other than those set forth in said Section 7.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 150

AN ACT

RELATING TO HARBORS AND WHARVES, AMENDING, REPEALING AND ADDING TO CERTAIN LAWS RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3 of Act 163 of the Laws of 1911 is hereby amended so as to read as follows:

"Section 3. Except as otherwise provided by law, said board shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the harbors, harbor improvements, ports, docks, wharves and shipping throughout the Territory, and shall have the authority to use, and permit and regulate the use of, the wharves, piers, bulkheads, quays and landings belonging to or controlled by the Territory for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor; and, subject to all applicable provisions of law, to fix and regulate from time to time the rates of wharfage, demurrage, rents for warehouses or warehouse space only, and other charges. The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot boat crews and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this Act and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this Act.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of this Act and of Act 62 of the Laws of 1909 as amended.

All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the Governor a report of its official acts during the preceding calendar year, together with its recommendations as to harbor improvements throughout the Territory."

SECTION 2. A new section is hereby added to said Act 163 of the Laws of 1911, to be known as Section 3A, said Section to read as follows:

"Section 3A. The terms 'wharfage' and 'demurrage' where used in this Act are hereby defined as follows:

Wharfage: The charge made for water craft occupying berths at the wharves, piers, bulkheads, quays and landings or moored or anchored in any slip, dock, bay, harbor or roadstead under the control of the board.

Demurrage: The charge made against freight which remains upon premises other than warehouses under the control of the board longer than twenty-four hours."

SECTION 3. Section 5 of Act 163 of the Laws of 1911 is hereby amended by adding after the word "wharfage", in line 9 thereof, the word "demurrage", and by adding after the word "Territory", in line 13 thereof, the words "as hereinafter provided."

SECTION 4. Section 7 of Act 163 of the Laws of 1911 is hereby amended so as to read as follows:

"Section 7. The board shall appoint wharfingers for the harbors of Honolulu, Hilo and Kahului, and for such other ports and harbors as in their opinion have need thereof. They shall fix the compensation of such wharfingers, and their assistants,

and shall certify the names and compensation thereof to the auditor of the Territory. The board shall likewise fix the duties and powers of such wharfingers and their assistants relative to shipping, wharves, docks, anchorages and mooring places.

The fees for services of wharfinger at the ports of Honolulu, Kahului and Hilo, until changed by law or by rule or regulation of the board, shall be $5.00 in addition to his disbursements for the use of boats and warps, and for labor in mooring or making fast such vessels; and if necessarily detained on board any vessel for more than two hours at any one time, he shall be paid at the rate of $2.00 an hour for such extra detention, and for each time that he is called upon, or that it may be necessary for him, to board any such vessel after having once moored her properly, he shall be entitled to receive the same fee. The fees for services of wharfingers at other ports shall be determined by the board. Such fees shall be payable either to the clerk of the board, or to such wharfinger or his assistant, who shall account therefor as may be required by the board, to the clerk of the board."

SECTION 5. Said Act 163 of the Laws of 1911 is hereby further amended by adding thereto a new section, to be known as Section 7A, said section to read as follows:

"Section 7A. All such water craft as shall discharge or receive freight on or from any wharf, pier, bulkhead, quay or landing belonging to or controlled by the Territory, while made fast to or lying alongside of the same, shall pay to the said board such rates of wharfage as shall be fixed by said board, not exceeding two (2) cents per ton per diem on the net registered tonnage of the vessel.

All such water craft as shall receive or discharge freight (1) from or upon any such wharf, pier, bulkhead, quay or landing by means of boats, lighters or otherwise while lying at anchor or under steam in any bay, harbor or roadstead, or (2) while

lying in any slip or dock belonging to or controlled by the Territory, but not made fast to or lying alongside of any wharf, pier, bulkhead, quay or landing, shall pay one-half of such wharfage rate. Any water craft that shall leave any such wharf, pier, bulkhead, quay, landing, slip, dock, basin or waters without paying its wharfage, and other charges, with intent to evade the payment thereof, shall be liable to pay double rates. When any freight shall have remained upon any such wharf, pier, bulkhead, quay or landing for more than twenty-four hours, the board may, in its discretion, make such demurrage charges for each subsequent day as in its opinion are just and equitable. The amount payable by any shipper or consignee for demurrage or other charges in respect of any freight shall be a lien on the same, and the board, its officers, employees or servants may take and hold possession of any such freight to secure the payment of such amount, and for the purpose of such lien, shall be deemed to have possession of such freight until such amount shall be paid. Such lien may be enforceed and foreclosed in the same manner as is prescribed for the foreclosure of agister's liens in Sections 2180 and 2181 of the Revised Laws."

SECTION 6. A new section is hereby added to said Act 163 of the Laws of 1911, to be known as Section 9A, said section to read as follows:

"Section 9A. The terms 'wharfinger' and 'harbor master', where used in this Act, shall be synonymous."

SECTION 7. Sections 508 to 524 both inclusive, and Sections 529 to 551 both inclusive of the Revised Laws, are hereby repealed.

SECTION 8. This Act shall take effect on July 1, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 151

AN ACT

To Provide for the Nomination or Election of Candidates for Elective Offices by Direct Vote.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The words and phrases in this Act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary", the primary election provided for in this Act.

2. The word "election", a general election as distinguished from a primary election or a special election.

3. The word "precinct", a district established by law, within which all qualified voters vote at one polling place.

4. The word "party", an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy which maintains a general organization throughout the Territory, including a regularly constituted central committee and county committees.

5. The word "office", an elective public office.

6. The word "county", the counties of Hawaii, Maui, Kauai and the city and county of Honolulu, as the context may require.

7. The word "Clerk", the city and county clerk or county clerk as the context may require.

This statute shall be liberally construed so that the real will of the electors may not be defeated by any informality or failure to comply with the provisions of law in respect to the giv-

ing of any notice, or the conducting of any primary, or the certifying of the results thereof.

SECTION 2. Hereafter, all candidates for elective offices shall be nominated in accordance with the provisions of this Act, and not otherwise. This Act shall not apply to special elections, but at such special elections all candidates shall be nominated by nomination papers signed and filed as by law provided.

SECTION 3. 1. The primary shall be held at the regular polling place in each precinct on the second Saturday of September, in the year 1914, and biennially thereafter; provided, that in such county or counties or city and county where an election of county officers has by law been fixed to take place in any month other than November, a primary shall also be held on the second Saturday of the second month preceding such election month, and biennially thereafter for the election of such county officers.

2. No person shall be a candidate for the ensuing general or county election unless he shall have been nominated at the primary next prior thereto.

SECTION 4. 1. At least thirty (30) days before the time for holding such primary, the Secretary of the Territory shall prepare and transmit to each county clerk a notice in writing designating the offices for which candidates are to be nominated at such primary for territorial and county offices and stating the time when, and the place where such primary will be held in each precinct.

2. Upon receipt of such notice, each county clerk shall within seven (7) days thereafter, cause as much thereof as may be applicable to his county to be published, in both the English and Hawaiian languages, once a week for three (3) consecutive weeks, in at least one (1) newspaper of general circulation within the county.

3. The county clerk shall, within ten (10) days after the receipt of such notice, cause notice of such primary, in both the Hawaiian and English languages, to be posted in three (3) conspicuous public places in each precinct in the county. Such notice shall state the time when, and place where the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated and elected.

SECTION 5. 1. The name of no candidate shall be printed upon any official ballot to be used at any primary election unless at least twenty (20) days, prior to such primary, a nomination paper shall have been filed in his behalf as provided in this Act in substantially the following form:

We, the undersigned duly qualified electors of the .....District, of the Territory of Hawaii, and members of the....., Party, hereby nominate..... Who resides at ..... in the County of (or City and County of) .....as a candidate on the ticket for the office of..... to be voted for at the primary held on..... and we further declare that we intend to support the said party and said candidate.

Name of Signor..... District. Precinct.

I, ... the above named candidate, do certify that I am a member of the..... Party, and a duly qualified elector in the district in which I am a candidate, that I believe in the principles and policies of the said Party, and that, if elected, I will, to the best of my ability, seek to carry out the provisions and pledges of the political platform of said Party, and will abide by said Party's rules and regulations.

The name I wish inserted on the ballot is.....,
its Hawaiian equivalent is.....,
and my post office address is .....

(Signed).....

2. All nomination papers shall have substantially the above form written or printed thereon, provided, that those filed for non-partisan candidates may omit the words "and members of the.....Party", and the certificate at the foot thereof. No signatures shall be counted, unless they are upon sheets each having this form written or printed thereon, which shall be provided by the county clerk.

3. No person shall sign the nomination papers of more than one candidate for the same office, nor for more than the actual number of offices of one class. Nomination papers shall be construed in this regard according to priority of filing, and the name of any person appearing thereon shall be counted only so long as this provision is not violated, and not thereafter.

4. No name on nomination papers shall be counted, unless the signor is an elector, qualified to vote for the candidate at the next primary county or general election.

5. Nomination papers for candidates for Delegate to Congress shall be signed by not less than twenty-five (25) qualified electors of the Territory.

6. Nomination papers for candidates for either branch of the Legislature and for County office shall be signed by not less than fifteen (15) qualified electors of the district or county or subdivision thereof for which the person nominated is a candidate.

SECTION 6. In case the person is nominated by more than one party, he shall forthwith file with the proper officer in charge of the preparation of the ballots, a written declaration

indicating the party designation under which his name is to be printed on the official primary ballot. In case such candidate fail to do so, his name shall be printed in the non-partisan column.

SECTION 7. Nomination papers may also be filed on behalf of non-partisan candidates. Such papers shall be similar in form and signed in the same manner as in the case of party candidates, and no nominator shall be allowed to sign any such paper who has previously signed any nomination paper for the same primary as a member of a political party.

SECTION 8. Nomination papers shall be filed as follows:

1. For Delegate to Congress and members of the Legislature, with the secretary of the Territory, at least thirty (30) days prior to the day for holding the primary.

2. For County offices, with the county clerk, at least twenty (20) days prior to the day for holding the primary.

3. There shall be deposited with each nomination for territorial or county offices a fee of Ten ($10.00) Dollars, on account of the expenses attending the holding of the primary, which shall be paid into the Treasury of the Territory, or the County, as the case may be, as a realization.

4. Upon the receipt at the office of the secretary of the Territory or at the office of the county clerk of a nomination of a candidate, the day, hour and minute when it was received shall be indorsed thereon.

SECTION 9. 1. At least fifteen (15) days before any primary, the secretary of the Territory shall transmit to each county clerk a certified list, containing the names of all persons for whom nomination papers have been duly filed in his office, and who are entitled to be voted for in the county at such primary, also designating the office for which each is a candidate, and whether a party candidate or non-partisan.

2. The county clerk shall forthwith post a copy of such list in a conspicuous place in his office and in at least three conspicuous places in each precinct. Said clerk shall also transmit without delay to each candidate named in said lists a true copy of such lists.

3. The county clerk shall, at least twelve (12) days before any primary, prepare a list containing the names of all persons for whom nomination papers have been duly filed in his office, and who are entitled to be voted for in the county at such primary, also designating the office for which each is a candidate, and whether a party candidate or non-partisan. A copy of said list shall be posted in a conspicuous place in his office and in at least three conspicuous places in each precinct.

Said clerk shall also transmit without delay to each candidate named in said lists a true copy of such lists.

SECTION 10. The county clerk shall prepare and have printed the official ballots which shall be of uniform size, weight, shape and thickness and of the same color and shall contain the names of all candidates of the different parties and the names of all the non-partisan candidates, if any. The arrangement of the ballots shall be based on the percentage of the total vote legally cast within the Territory at the last preceding election of Delegate to Congress, giving the party whose candidate for such office polled the highest vote within the Territory the first position on such ballots; to the party whose candidate for such office polled the next highest within the Territory the second position on such ballots, and so forth. The names of all candidates shall be printed thereon, in their respective party or non-partisan column, in alphabetical order, with their Hawaiian equivalents, if requested as hereinbefore provided. Such ballots shall be distributed by the county clerk within the intervals of time and in the manner required by the general election and county election laws as to territorial and county ballots and shall

conform in all other respects except as otherwise required by this Act, to the requirements of law governing general elections. The ballot shall be in substantially the following form, and conform to the requirements of the several districts and counties:

OFFICIAL BALLOT

PRIMARY ELECTION ....., 19...

..... Representative District.

To vote for a person make a X with a black lead pencil in the space opposite his name to the right of the black line.

No ke koho ana i kekahi mea, e kaha i X (kaha pea) me ka penikala eleele ma ke kowa ma-o aku o kona inoa ma ka aoao akau o ka laina eleele.

TERRITORIAL OFFICERS.

National Republican	National Democratic	Non-Partisan

DELEGATE TO 64TH CONGRESS.

Vote for one only. Koho no hookahi.

First Senatorial District—Island of Hawaii.

SENATORS.

For the term of four years beginning....., 19...

Vote for two only. Koho no elua.

First Representative District—District of Puna, South Hilo, North Hilo, and Hamakua, Island and County of Hawaii.

REPRESENTATIVES.

For the term of two years beginning ....., 19...

Vote for four only. Koho no eha.

CITY AND COUNTY OFFICERS.

City and County of Honolulu.

National Republican	National Democratic	Non-Partisan

MAYOR.

For the term of two years beginning January ...., 19...

Vote for one only. Koho no hookahi.

SUPERVISORS.

For the term of two years beginning January ..., 19...

Vote for seven only. Koho no ehiku.

And so on down through the several county officers.

SECTION 11. 1. At least ten (10) days before the primary the secretary of the Territory and the county clerk shall prepare a specimen ballot and shall forthwith submit a copy of the same to the chairmen of the several territorial, and to the chairmen of the several county committees, and to the several candidates at their post office addresses as given on their nomination papers and shall post a copy of the same in a conspicuous place in his office.

2. At least five (5) days before the primary, the county clerk shall correct any errors or omissions in the official ballot and cause the same to be printed and distributed as required by law.

SECTION 12. No person shall be entitled to vote at any primary unless he shall have been registered as a duly qualified elector of the precinct at least ten (10) days prior to said primary, which fact shall be determined by lists presented to the judges of election by the county clerk at least three (3) days prior to said primary.

SECTION 13. 1. The polls at primaries shall be open from eight o'clock in the morning until five o'clock in the evening, and no ballot shall be deposited before or after such period.

2. Any person desiring to vote at a primary shall state his name and residence to the inspectors of election, one of whom shall thereupon announce the same in a distinct tone of voice sufficiently loud to be heard by all persons in the polling place. If the person desiring to vote is not challenged, one of the primary judges shall give to him one official ballot folded in an uniform manner so that the contents thereof shall be concealed. The voter shall proceed into one of the compartments provided for the purpose and therein mark the ballot. He shall then refold the ballot in the same folds as it was handed to him and

return it to the inspectors. The marked ballot shall immediately be placed in the ballot box provided for the purpose.

SECTION 14. Any person rightfully in the polling place may challenge the right to vote of any person presenting himself to the inspectors of election for such purpose. Such challenge shall be on the ground: (1) That such elector is not the person he alleges himself to be; or (2) That such elector is not entitled to vote in such precinct. No other or further challenge shall be allowed. Such challenge shall be considered and decided immediately by the inspectors, a ruling of the majority thereof being final.

SECTION 15. Immediately upon the closing of the polls at the primary the inspectors shall count the votes cast, in the same manner as provided by law for the counting of votes at an election. The inspectors shall, on separate sheets or blanks to be provided for that purpose, make full and accurate returns of the votes cast and shall forthwith send one copy thereof to the secretary of the Territory and to the county clerk where the primary is held; and one copy to the chairmen of the territorial central and county committees of each party.

SECTION 16. 1. The person receiving the greatest number of votes at a primary as a candidate of a party for an office shall be the candidate of the party at the following election, and any non-partisan candidate receiving at least twenty (20) per cent. of the votes of registered voters cast at such primary shall also be a candidate at the following election. Provided, however, that any candidate receiving the votes of a majority of the registered voters voting of the district in which he is a candidate shall be thereby duly and legally elected to the office for which he is a candidate at such primary.

2. As soon as may be after the count at the primary the county clerk shall publish in some newspaper of general circulation in the county, a certified statement of the result of the

primary as to candidates for the various offices, and shall send to the territorial central and county committees of each party so much of such statement as relates to such party.

SECTION 17. In case of a tie vote, the tie shall forthwith be decided by lot, under the supervision of the county clerk; and the candidates interested and the central or county committee, as the case may be, of the candidates interested, shall be notified by the county clerk of the time and place of the drawing of such lot and its members be given an opportunity to be present.

SECTION 18. In case of the death, withdrawal, or disqualification of any candidate before or after the holding of any primary, the vacancy so caused shall be filled by the Central or County Committee of the party, as the case may be.

SECTION 19. 1. In all matters pertaining to this Act the territorial central committee of the party shall represent the party.

2. Vacancies in any such Committee shall be filled by the committee itself.

SECTION 20. The expenses of ballots, blanks, and other supplies to be used at any primary, and other expenses properly incurred in the preparation for or conducting of such primary, shall be borne as follows:

The cost of printing and publishing such ballots, notices and forms as shall be required to be furnished, printed or published by the county clerk, shall be paid by such county.

The cost of printing and publishing the platform of each party shall be borne by such party.

SECTION 21. The secretary of the Territory shall, at the expense of the Territory, provide the necessary polling places and ballot boxes, and the inspectors shall be paid by the Territory

for their services in conducting the primary the same rate of compensation as provided by law in cases of an election.

SECTION 22. Any person who shall offer any bribe or make any promise of gain, or with knowledge of the same permit any person to offer any bribe or make any promise of gain for his benefit, to any voter to induce him to sign an election paper, and any person who shall accept any such bribe or promise of gain of any kind as consideration for signing the same, whether such bribe or promise of gain be offered or accepted before or after such signing, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine of not less than twenty-five (25) nor more than five hundred (500) dollars, or by imprisonment for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.

This Act shall be deemed to be a part of the election laws of the Territory within the meaning of all provisions therein respecting offenses against such laws.

SECTION 23. The laws relating to elections shall apply to all primaries in so far as they shall be consistent with this Act, the intent of this being to place the primary under the regulation and protection of the election laws, as far as possible, consistently with the provisions of this Act.

SECTION 24. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 25. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR.
Governor of the Territory of Hawaii.

ACT 152

AN ACT

GRANTING A FRANCHISE FOR THE PURPOSE OF MANUFACTURING AND SUPPLYING GAS IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Manufacture and Supply of Gas. John T Baker of Hilo, County of Hawaii, Territory of Hawaii, his associates, successors and assigns, or such corporation as he or they shall cause to be incorporated under the Laws of the Territory of Hawaii, and its successors and assigns, (he and they being hereinafter referred to as the Association), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes and otherwise in the District of South Hilo, County of Hawaii, for the term of Fifty (50) Years from the date of the approval of this Act by the Congress of the United States, subject to the limitations in this Act contained.

SECTION 2. Erection of Building, etc. The Association shall have the right to erect and maintain at such places, within the limits mentioned in Section 1 as the Board of Supervisors of the County of Hawaii shall approve, such buildings, machinery and appurtenances as may be necessary for the production, manufacture, and storage of such gas, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

SECTION 3. Laying Pipes, etc., in Streets. The Association for the purposes of distributing such gas, shall have the right from time to time to lay pipes or other conduits in or under the streets, roads, and places in the said District of South Hilo; and whenever supply pipes and mains shall be laid in

any block, connections shall be made and pipes shall be laid from said main to the curb line of the street for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be provided with stopcocks inside of such curb line; provided, that nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to prior consent and approval of the Board of Supervisors, and all instructions and directions made by said Board shall be strictly followed to the end that the general public shall be inconvenienced as little as possible; and provided, likewise, that whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing or repairing such pipes, conduits, or connections, such holes or trenches shall be safe-guarded and refilled as soon as possible, and the pavement, if any, and such street, road, or other place shall be replaced in good order and condition; provided, that if such repair or restoration shall not be made to the satisfaction of the Board of Supervisors, within a reasonable time, whereof they shall be the judge, they may cause it to be done at the expense of the Association.

Section 4. Meters, Rates. The Association shall also have the right to maintain and use gas meters or other means for measuring the amount of gas used from time to time, and in such places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas, and shall also have the right to charge, receive and collect from all consumers of gas such reasonable prices as it may from time to time fix and determine, but not at any time to exceed Two Dollars per thousand cubic feet, with a discount of ten per cent on all payments made within ten days after due and demanded, provided, however, that the prices charged to all consumers substantially under the same conditions and circumstances shall be

equal, and shall also have the right to charge consumers or intended consumers of gas for the cost and expense of making connections between the mains and premises where such gas is to be used, and may include also the price for all connection pipe, gas fixtures and other material necessary; provided, that power is hereby conferred upon the court of appropriate jurisdiction at all times and upon the petition of any consumer or the Association to hear and determine, from time to time, what rate or rates are reasonable, and to enforce the same by appropriate judgment or decree; and provided, further, that all the provisions of this Act and all the rights granted thereby shall be subject to all general laws that may be in force from time to time relative to public utilities in this Territory.

SECTION 5. Cutting off Service. The Association shall also have the right to cut off the supply of gas from any consumer who shall refuse or fail to pay amounts due for gas so supplied by the association, within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the Association from using any remedies now or which may hereafter be authorized by law for collecting debts.

SECTION 6. The rights and powers hereby granted shall be exercised in such manner as to cause the least inconvenience to the public; and the Association shall provide gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the Board of Supervisors shall from time to time deem necessary, and the buildings and machinery, with all appurtenances, to be erected, and general plant to be maintained in connection therewith, together with the offices, books, and accounts of the Association shall be open to examination and inspection at all times by the Board of Supervisors or some one duly authorized by them for that purpose.

SECTION 7. Time of Commencing Work. It is further provided that the rights hereby granted shall cease and determine

if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or conduits in any of the streets, roads, or places within two years from and after the date of approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply gas, and if gas is not supplied within two years after such commencement.

SECTION 8. Mortgages, Bonds. The Association shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, pipes, conduits and appurtenances and the manufacturing and supplying of gas as provided by this Act.

SECTION 9. Exemption from Taxation. All property of every kind and nature, forming or used as part of such gas system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of Seven (7) years from and after the date of the approval of this Act by the Congress of the United States.

SECTION 10. On the 1st day of July of each year there shall be payable to the Treasurer of the County of Hawaii, for and on behalf of said county, two per centum of the gross receipts of the Association for all gas furnished to consumers under the terms of this Act during the preceding twelve (12) calendar months.

SECTION 11. The Association shall, within one month after the expiration of each calendar year, file with the Board of Supervisors, a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records and accounts shall, at all reasonable times, be open to inspection by the Governor, the Board and their respective agents appointed for such purpose.

The Association shall not issue stock in excess of the amount paid to it therefor in cash and twenty-five thousand dollars additional, nor shall it issue bonds at less than ninety per cent. of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure.

No member of the Association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the Association, its assignees or successors, for the construction of any part of the work.

SECTION 12. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States; and the rights, privileges, and powers by this Act conferred shall not be construed to be exclusive.

SECTION 13. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof, within or including the District of South Hilo, may at any time after the expiration of ten (10) years from the date of the passage of this Act by the Congress of the United States, and upon six months notice in writing to the Association, given pursuant to proper authority, acquire by purchase all the property of the Association, subject to the then existing charges thereon. The amount to be paid to the Association for such purchase shall be determined by a Commission of three persons, one to be appointed by the Association, or in case it should fail to do so within thirty days after requested to do so by the purchaser, then by the Chief Justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said Chief Justice, but such amount shall in no

case exceed the actual cost of the property and twenty per cent. in addition thereto less the charges thereon.

Either the Association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the Commission within five days after the decision is rendered. It shall thereupon be the duty of the Commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the Association, the valuation claimed by the purchaser, and the valuation as determined by the Commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the Commission was based, and a copy of such decision. Upon any such appeal the Supreme Court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the Association.

SECTION 14. Approval. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 153

AN ACT

To Authorize and Provide for the Manufacture, Maintenance, Distribution and Supply of Electric Light and Power Within the Lihue District and the Koloa District, County of Kauai, Territory of Hawaii.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. That Hans Isenberg of Lihue, County of Kauai, Territory of Hawaii, his associates, successors and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii, (he and they being hereinafter referred to as the "association"), be and hereby are vested with the right, authority and privilege for the term of fifty (50) years from and after the date of the approval of this Act by the Congress of the United States to manufacture, sell, furnish and supply electric light, electric current, or electric power in the Lihue District and the Koloa District, County of Kauai, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time for said term of fifty (50) years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in the Lihue District and the Koloa District, County of Kauai, Territory of Hawaii, and to connect, by means of the said lines, wires and conductors, any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

SECTION 2. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances, constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in the said Lihue District and the said Koloa District shall be so constructed, maintained and operated by the association as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 3. That said association, its representatives, successors and assigns, shall be responsible for any damages, either to person or property resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

SECTION 4. If said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act, or the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the Board of Supervisors of the County of Kauai, to comply therewith, said Board of Supervisors may, with the consent of the Governor, and of the Attorney General, cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void, and in case of a forfeiture of this franchise the Territory of Hawaii, the County of Kauai, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said Lihue District and the said Koloa District at the value thereof, such value to be determined as provided in Section 16 hereof, provided, notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Kauai, or any political division thereof, within sixty days after the forfeiture of this franchise.

SECTION 5. The association shall have the right to maintain, operate and use electric meters or other means of measuring electric light, power or current supply from time to time and to locate the same at such places as may be deemed necessary for its protection. That said association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may from time to time be fixed and determined by the association, but such charge shall not at any time exceed twenty cents (20c) per killowatt hour or one thousand watt hours; provided, however, that the association shall have the right to charge, receive and collect from each consumer of electricity for light the sum of two dollars ($2.00) per month, and from each consumer of electricity for power, the sum of one dollar ($1.00) per month for one horse power apparatus connected to the service of the association, and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Kauai, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall not charge therefor more than ten cents (10c) per killowatt hour or one thousand watt hours; and provided, further, that power is hereby conferred upon any public utilities commission, or like commission which may be created by law at all times, upon the petition of any consumer or by any petition of the association to hear and determine, from time to time, what rate or rates are reasonable and to enforce the same by appropriate order, judgment or decree, and further, provided, that in case there should be no such commission or, to the extent to which such commission, if any, may not have sufficient jurisdiction, such power may be exercised by the circuit judge of the Fifth Circuit Court.

SECTION 6. Said association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expenses of making connections between the company's main line and the premises where the electricity is to

be used, such cost and expenses to include the price of all wire, poles, insulators and other materials and labor necessary to be used in making such connections; provided, however, that the association shall not be required to make, construct or maintain said connections as aforesaid, or supply light, or power, unless the applicant or applicants for such light or power, if required, shall deposit in advance with the association a sum of money sufficient to pay one-half of the cost and expenses of making and constructing such connections, and for current, for a period of one month in advance; provided, further, that if electric light or power is required by any consumer or applicant to be delivered outside of the District of Lihue as now defined by law, the association shall have the right to charge such consumer or applicant for the use of electricity all of the cost and expenses of making connections between the association's main line and the premises where the electricity is to be used, such cost and expenses to include the price of all wires, poles, insulators, and other materials and labor necessary to be used in making such connections.

SECTION 7. The association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet unless there be an applicant for each three hundred feet of extension or fraction thereof, and unless each applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five 40-watt lamps or one horse power of power apparatus for not less than one year.

SECTION 8. The association shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association, within such reasonable time as said association may fix for the payment of the same, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now, or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 9. The Board of Supervisors of the County of Kauai is hereby authorized to make, and from time to time change, amend or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If at any time the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for, relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the Board of Supervisors of the County of Kauai, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to remedy such repair and the cost of such repairs or charges may be recovered from the association by the County of Kauai.

SECTION 10. The entire plant, corporation, books, and accounts of the association shall at all times be subject to the inspection of the Board of Supervisors of the County of Kauai or other officer appointed by it for that purpose.

SECTION 11. The association shall, within one month after the expiration of each calendar year, file with the Board of Supervisors a detailed statement, showing all of its receipts and expenditures during the preceding calendar year and shall, at the time, pay to the county treasurer of the County of Kauai, for and on behalf of said county, one-half of one per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall, at all reasonable times, be open to the inspection by the Governor, Board of Supervisors and their respective agents appointed for such purpose.

SECTION 12. Said association shall have the right to acquire, hold, or take over, either by purchase or lease, property both real, personal, or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business. Said association shall, however, not have the right to purchase franchises and property of whatever nature of, nor shares of stock in, or bonds of another company or corporation of like nature.

SECTION 13. The said association whenever, from time to time, it shall deem expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted or obtained by virtue of this Act, or if it be deemed advisable, bonds may be issued, secured by deed of trust of such property as aforesaid not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security, and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash and twenty-five thousand dollars ($25,000.00) additional, nor shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 14. Time of commencing work. It is further provided, that the right hereby granted shall cease and determine, if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying electric light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein in any of the streets, roads or other places for the purpose of conducting electric light and power, within one year from and after the date of approval of this Act by the Congress of the United States, and also, if sufficient works are not completed and in operation to supply electric light and power, and if electric light and power is not supplied within one year after such commencement.

SECTION 15. That this franchise may at any time be amended or repealed by the Congress of the United States, or by the Legislature of the Territory of Hawaii with the approval of the Congress of the United States, and the rights, privileges and powers by this Act conferred shall not be construed to be exclusive. And said association and the franchise, rights and privileges granted by this Act shall be subject, in all respects, to such law establishing a public utility commission and such other laws of a general nature as may be applicable, from time to time, to electric light and power plants, or the companies operating them in the Territory of Hawaii or the County of Kauai or its successors.

SECTION 16. That the Territory of Hawaii, the County of Kauai, or any political subdivision thereof, may at any time after the expiration of twenty (20) years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the Chief Justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or goodwill or any other intangible element shall not be considered in determining the amount to be paid.

Either the association, or the purchaser, may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the Supreme Court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the

property of such purchaser without any further conveyance, but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 17. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, provided that such approval by Congress shall be obtained within two years after such approval by the Governor.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 154

AN ACT

TO PROVIDE FOR HAWAII'S EXHIBIT AT THE PANAMA-PACIFIC EXPOSITION, MAKING A SPECIAL APPROPRIATION FOR THE CONSTRUCTION OF A BUILDING OR THE LEASING OF SUITABLE SPACE IN ANOTHER BUILDING OR BUILDINGS TO HOUSE SUCH EXHIBIT AND FOR THE EXPENSES OF ITS INSTALLATION AND MAINTENANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor is hereby authorized to appoint in the manner provided in Section 80 of the Organic Act, a Commission of five members, who shall be citizens of the Territory, and whose duty it shall be (1) to collect a suitable agricultural,

industrial, educational and aesthetic exhibit on behalf of Hawaii at the Panama-Pacific International Exposition to be held at San Francisco, California, in the year 1915; (2) to cause the erection of a suitable building or the leasing of suitable space in another building or buildings to house such exhibit; (3) to install the same therein; (4) to care for and maintain the same during the exposition; and (5) to make suitable disposition thereof at its conclusion.

SECTION 2. The sum of One Hundred Thousand ($100,000.00) Dollars is hereby appropriated to be paid out of moneys in the Treasury of the Territory received from the general revenues of the Territory for the construction of such building or the leasing of suitable space in another building or buildings to house such exhibit, and for the installation thereof and its maintenance during the term of such Exposition, and the salaries and expenses incidental thereto.

SECTION 3. Appropriations made under this Act shall be under the control of and expended by the Secretary of the Territory of Hawaii, with the advice and assistance of such Commission. The proceeds of any sales of property erected or puchased under this appropriation shall be government realizations. Property not so sold shall remain property of the Territory and shall be returned to the custody of the Secretary.

SECTION 4. This Act shall take effect on its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 155

AN ACT

MAKING AN APPROPRIATION FOR A MECHANICAL, LIVE STOCK, AGRICULTURAL AND HORTICULTURAL FAIR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand five hundred dollars ($2,500.00) is hereby appropriated, to be paid out of any moneys in the Treasury, received from the general revenues, for the purpose of defraying the expenses of a mechanical, live stock, agricultural and horticultural fair, to be held in the City and County of Honolulu, Territory of Hawaii, in the year 1914, at a date to be fixed in the manner hereinafter provided.

SECTION 2. The Governor shall appoint three (3) persons, one of whom shall be chairman, who shall constitute a commission to be known as the "Fair Commission."

SECTION 3. The commission shall cause to be held at some suitable place in the City and County of Honolulu, on a day which they may select, in the year 1914, a fair or exhibition for the purpose of showing and exhibiting the mechanical, live stock, agricultural and horticultural products of the Territory.

SECTION 4. The commission is hereby authorized to grant premiums, medals, ribbons and prizes for the best exhibits displayed at said fair; and to provide for the acccommodation and maintenance of all exhibits during the time said exhibits are kept on exhibition.

SECTION 5. All moneys expended under this Act shall be paid by the territorial treasurer, upon warrants issued by the auditor, upon vouchers approved by the chairman of the fair commission.

Act 155. Appropriation Horticultural Fair.
Act 156. Taking of Nehu and Iao.

SECTION 6. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 156

AN ACT

TO PROHIBIT THE TAKING OF NEHU AND IAO WITH NETS LONGER THAN TWELVE FEET IN THE WATERS OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The taking or killing of fishes known as Nehu and Iao, by means of any draw, drag or seine net over twelve feet in length in the waters of the Territory, is hereby prohibited. Any person who shall violate the provisions of this section shall, upon conviction, be punished by a fine of not more than two hundred and fifty ($250.00) dollars, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

SECTION 2. This Act shall take effect on its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 157

AN ACT

To Amend Act 119 of the Session Laws of 1907, Entitled "An Act to Regulate the Sale of Intoxicating Liquors" by Adding Thereto a New Section to be Known as Section 38A.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Act 119 of the Session Laws of 1907 is hereby amended by adding thereto a new Section to be known as Section 38A, and to read as follows:

"Section 38A. In any prosecution under this Chapter, the fact that any person engaged in any kind of business has or keeps posted in or about his place of busisness a receipt or a stamp showing payment of a special tax levied under the laws of the United States upon the business of selling intoxicating liquors or the holding of a license from the government of the United States in the name of any person to sell intoxicating liquors shall be held and deemed competent evidence that such person is keeping for sale and is selling intoxicating liquors."

Section 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 158

AN ACT

MAKING IT A MISDEMEANOR TO DEFRAUD PERSONS IN THE BUSINESS OF CARRYING PASSENGERS FOR HIRE IN VEHICLES OF ANY KIND AND PRESCRIBING THE PENALTY THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who obtains transportation from one place to another on any vehicle licensed to carry passengers for hire and then refuses to pay the legal fare, as prescribed by statute or ordinance for such transportation, shall be deemed guilty of a misdemeanor. Any person convicted of this offense shall be punished by a fine of not more than one hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment.

SECTION 2. This Act shall not apply to persons who have opened accounts with owners of vehicles licensed to carry passengers for hire or through persons directly in charge of such licensed vehicles at the time of transpsortation.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

Act 159. Sale Firearms to Minors.
Act 160. Kauai High School.

ACT 159

AN ACT

PROHIBITING THE SALE OF FIREARMS TO MINORS UNDER THE AGE OF 16 YEARS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any persson to sell firearms or cartridges to any minor who has not attained the age of 16 years.

SECTION 2. Any person violating the provisions of this Act shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment.

SECTION 3. This Act shall take effect on its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 160

AN ACT

TO ESTABLISH THE KAUAI HIGH SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Within eighteen months after the approval of this Act, the department of public instruction shall establish and thereafter maintain the Kauai High School at Lihue, Island of Kauai. Said school may be established by adding the

same to and making the same a part of the Lihue School, Lihue, Island of Kauai.

SECTION 2. The department of public instruction shall make such rules and regulations in the manner provided by law as it may deem necessary as to the requirements of entrance to and graduation from said high school, as to grades and courses of study and as to all other matters pertaining to the conduct and management thereof, including the appointment of a principal and assistants and their salaries, with the view to maintaining the proper standard of efficiency thereof.

SECTION 3. Said Kauai High School shall be free and open alike to all persons desiring to avail themseslves of its advantages and who may be able to conform to the requirements for entering the same, and any person may, subject to the rules and regulations established for said school, take one or more of the courses provided for therein.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 161

AN ACT

TO AUTHORIZE THE APPOINTMENT OF SUPERVISING PRINCIPALS FOR SCHOOLS IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The superintendent of public instruction, with the approval of the commissioners of public instruction, is here-

Act 161. Schools: Supervising Principals.
Act 162. Compulsory Attendance Schools: Exception.

by authorized and directed to appoint in the several counties and city and county of the Territory of Hawaii supervising principals for schools not to exceed the following numbers:

County of Hawaii, Three (3) Supervising Principals;

County of Maui, Two (2) Supervising Principals;

County of Kauai, One (1) Supervising Principal;

City and County of Honolulu, Two (2) Supervisisng Principals.

SECTION 2. The Auditor of the Territory of Hawaii is hereby directed to issue no salary warrants for supervising principals of schools in excess of the numbers above specified for each county and city and county.

SECTION 3. This Act shall take effect on July 1, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 162

AN ACT

TO AMEND SECTION 212 OF THE REVISED LAWS AS AMENDED BY ACT 150 OF THE SESSION LAWS OF 1911, RELATING TO THE DEPARTMENT OF PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 212 of the Revised Laws of Hawaii as amended by Act 150 of the Session Laws of 1911, is hereby

further amended by striking out the word "Seventeen" in line four of Section 1 and inserting in lieu thereof the word "Fifteen", and in sub-section "Fifth" by striking out in line one of this sub-section the word "Fifteen" and inserting in lieu thereof the word "Fourteen" and by adding a new sub-section to read as follows:

"Sixth. Where upon investigation by the Juvenile Court when feasible, or by the District Magistrate it has been shown that for any other reason the child may properly remain away from school."

SECTION 2. This Act shall take effect July 1st, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 163

AN ACT

TO TRANSFER THE CONTROL AND MANAGEMENT OF KAPIOLANI PARK FROM THE HONOLULU PARK COMMISSION TO THE CITY AND COUNTY OF HONOLULU, AND TO REPEAL CERTAIN LAWS RELATING TO SAID PARK.

WHEREAS, by Chapter 53 of the Laws of 1896, being Sections 765 to 770 inclusive of the Revised Laws of the Territory of Hawaii, the Honolulu Park Commission was created, and was vested with the powers and privileges of a corporation for the purpose of taking and holding the possession, control and management of the Kapiolani Park and all property belonging thereto; and

WHEREAS, by various deeds, conveyances and bills of sale, the said Honolulu Park Commission has acquired and now holds the real and personal property, comprising the Kapiolani Park, in trust, to use and maintain the same as a free public park and recreation ground, in compliance with the terms and provisions of and subject to the limitations and conditions imposed by legislative enactment; and

WHEREAS, by various statutes passed by the Legislature of the Territory, the care, custody, maintenance and control of all public parks in the Territory of Hawaii, except the said Kapiolani Park and the Makiki Park or Reservation, have been transferred to and placed in charge of the Boards of Supervisors of the several political subdivisions of the Territory; NOW, THEREFORE,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Honolulu Park Commission is hereby directed forthwith to convey to the Territory of Hawaii all of the real and personal property, comprising the Kapiolani Park, in trust, to maintain the same forever as a public park and recreation ground.

SECTION 2. The Governor is hereby authorized and empowered to set aside, by executive order, to the City and County of Honolulu, the real and personal property comprising Kapiolani Park aforesaid, subject to the trusts and for the purposes aforesaid.

SECTION 3. Sections 765 to 770 inclusive of the Revised Laws, and Act 12 of the Laws of 1911, are hereby repealed.

SECTION 4. This Act shall take effect on July 1, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 164

AN ACT

TO AMEND SECTIONS 1, 2, 5 AND 6 OF ACT 33 OF THE SESSION LAWS OF 1909, AS NOW AMENDED, RELATING TO THE CONSERVATION AND DEVELOPMENT OF THE NATURAL RESOURCES OF THE TERRITORY THROUGH IMMIGRATION AND OTHER MEANS BY IMPOSING A TAX ON INCOMES AND APPROPRIATING THE PROCEEDS FOR SUCH PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 33 of the Session Laws of 1909, as amended by Act 66 of the Session Laws of 1909, is hereby amended to read as follows:

"Section 1. In addition to the tax of two per cent., authorized to be levied, assessed and collected upon the gains, profits and incomes of persons in the Territory of Hawaii under the provisions of Chapter Ninety-nine of the Revised Laws of the Territory, as heretofore amended, there shall be levied, assessed and collected annually upon the gains, profits and income over and above Four Thousand Dollars derived by every person residing in the Territory, from all property owned, and every business, trade, profession, employment, or vocation carried on, in the Territory, and by every person residing without the Territory from all property owned, and every business, profession, employment or vocation carried on in the Territory and by every servant or officer of the Territory, wherever residing, a tax of one per cent on the amount so derived during the taxation periods defined by this Act.

Provided, however, that such tax shall not be levied or assessed upon money and the value of personal property acquired by gift or inheritance."

SECTION 2. Section 2 of Act 33 of the Session Laws of 1909 is hereby amended to read as follows:

"Section 2. In addition to the tax of two per cent., authorized to be levied, assessed and collected upon the gains, profits and income of corporations as provided in said Chapter Ninety-nine of the Revised Laws of the Territory, as heretofore amended, there shall be levied, assessed and collected annually upon the net profit or income above actual operating and business expenses derived during the taxation periods defined by this Act, from all property owned, and every business, trade, employment or vocation carried on in the Territory, of all corporations doing business for profit in the Territory, no matter where created or organized, a tax of one per cent. on the amount so derived during the taxation periods as defined by this Act. Provided, however, that nothing herein contained shall apply to corporations, companies or associations, conducted solely for charitable, religious, educational or scientific purposes, including fraternal beneficiary societies, nor to insurance companies, taxed on a percentage of the premiums under the authority of another law."

SECTION 3. Section 5 of Act 33 of the Session Laws of 1909 is hereby amended to read as follows:

"Section 5. All amounts collected from time to time under the provisions of this Act shall constitute and be held by the Treasurer of the Territory as a special fund notwithstanding the provisions of Act 15, of the Session Laws of 1907, or any law now in force, to be used and applied for the purposes specified by this Act and not otherwise, that is to say: one-half of said fund is hereby appropriated for and shall be used for the encouragement of immigration to the Territory of Hawaii in aid and development of the agricultural resources and conditions, including the expenses of the Board of Immigration, the same to be available for expenditure from time to time as shall

be determined by the Board of Immigration with the approval of the Governor; one-quarter is hereby appropriated for and shall be used for the expenses of the Board of Commissioners of Agriculture and Forestry, other than those for forestry and the hydrographic survey, the same to be available for expenditure from time to time as shall be determined by said Board of Commissioners of Agriculture and Forestry with the approval of the Governor; and one-quarter of said fund is hereby appropriated for and shall be used for the development, conservation, improvement and utilization of the natural resources of the Territory, the same to be made available for expenditure at such times and in such manner as a board of three persons appointed as provided in Section 80 of the Organic Act shall, with the approval of the Governor, determine."

SECTION 4. Section 6 of Act 33 of the Session Laws of 1909 as amended by Section 1 of Act 147 of the Session Laws of 1911, is hereby amended to read as follows:

"Section 6. This Act shall be in effect from the date of its approval, and relate retrospectively to give full effect to the provisions herein contained with respect to taxes for the first taxation period hereunder; and shall continue in force to and until the 31st day of December, 1915; provided, that all taxes assessed under the provisions of this Act which shall remain unpaid at the end of said period shall be subject to collection and enforcement in the same manner as though all the provisions of this Act were still in force with respect thereto."

SECTION 5. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 165

AN ACT

TO AMEND SECTION 28, ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF", AS AMENDED BY ACTS 120, 128 AND 144 OF THE SESSION LAWS OF 1909, AND BY ACT 87 OF THE SESSION LAWS OF 1911, AND AS FURTHER AMENDED BY ACTS 25 AND 28 OF THE SESSION LAWS OF 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 28, Act 39 of the Session Laws of 1905, entitled "An Act Creating Counties Within the Territory of Hawaii and providing for the government thereof", as amended by Acts 120, 128 and 144 of the Session Laws of 1909, and by Act 87 of the Session Laws of 1911, and as further amended by Acts 25 and 28 of the Session Laws of 1913, is hereby further amended as follows:

Delete the figures "2,400.," "900.," "960." and "960.," in lines 6, 42, 44, 46 and 48, and insert in lieu thereof, in line 6, "2,700.," in line 42, "1,080.," in line 44, "1,080.," in line 46, "1,140.," and in line 48, "1,200.," so that the lines so amended will read as follows:

"Sheriff of the County of Hawaii.....2,700. a year;"
"Deputy Sheriff of the District of North Hilo.1,080. a year;"
"Deputy Sheriff of the District of Kau.....1,080. a year;"
"Deputy Sheriff of the District of North Kona.1,140. a year;"
"Deputy Sheriff of the District of North Kohala 1,200. a year."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 166

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums amounting to One Thousand Six Hundred and Seventeen Dollars and Forty-Two Cents ($1,617.42), are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the settlement of the following claims against the Territory:

ATTORNEY GENERAL'S DEPARTMENT.

Claim of R. A. Churton	$	16.50

BOARD OF HEALTH DEPARTMENT.

1909. Sundry Expense.			
July 31. Garden Island Publishing Co..	$	3.50	
1911			
May 22. Honolulu Photo Supply Co....		4.80	
June 8. Bridgewater & Hopper		3.50	11.80
1910. Quarantine, Fumigation, Disinfection, Etc.			
Dec. 31. von Hamm-Young Co., Ltd.		239.80	
1911.			
Mar. 31. C. M. Tai		.75	
Mar. 31. von Hamm-Young Co., Ltd. ...		11.80	
Mar. 31. Makee Sugar Co.		16.25	
Apr. 30. Makee Sugar Co.		17.95	
Apr. 30. Lewers & Cooke, Ltd.		41.91	
May 31. Makee Sugar Co.		39.30	367.76
1911. Rat Campaign, Honolulu.			
June 30. Hall & Son, Ltd., E. O.			5.50

1910.	Care of Lepers, Segregation and Hospitals.		
Dec. 31.	M. McInerny, Ltd.	70.00	
1911.			
Jan. 31.	Lewers & Cooke, Ltd.	97.21	
Mar. 31.	American-Hawaiian Paper & Supply Co., Ltd.	3.97	
June 30.	Coyne Furniture Co.	23.50	
June 30.	Coyne Furniture Co.	5.40	
June 30.	Honolulu Photo Supply Co. ...	5.35	
June 30.	Inter-Island Steam Navigation Co.	185.00	
June 30.	Dr. K. F. Li	5.00	
June 30.	Dr. T. Mitamura	10.00	405.43
1911.	Water Works, Waikolu.		
June 30.	Honolulu Iron Works Co.		6.84
1911.	Kalaupapa Store.		
Jan. 31.	Lewers & Cooke, Ltd.	5.81	
June 30.	M. McInerny, Ltd.	69.75	75.56
1911.	Kapiolani Girls' Home, Maintenance.		
Apr. 30.	A. B. Arleigh & Co., Ltd.	1.35	
June 30.	A. B. Arleigh & Co., Ltd.	1.75	
June 30.	M. A. Davies	2.25	5.35

DEPARTMENT OF PUBLIC WORKS.

1911.			
May 31.	Theo. H. Davies & Co., Ltd. ...	487.24	
June 30.	Theo. H. Davies & Co., Ltd. ...	59.48	
1909			
June 30.	Hustace-Peck Co., Ltd.	86.36	
1911.			
June 30.	Kahului Store	10.50	
Aug. 31	E. W. Quinn	4.10	

1909			
Mar. 31.	To building individual line to Electric Light Station and Nuuanu Dam, as per agreement with Supt. of Public Works, dated Mar. 2, 1909..	75.00	722.68
	Total		$1,617.42

SECTION 2. The Auditor shall not issue warrants in payment of any of the above amounts unless receipts in full are filed therefor signed by the claimants or the legal representatives of their estates or assigns, and the same are approved by the head of the department under which the items are inserted.

SECTION 3. The appropriation under this Act shall lapse upon the 30th day of June, A. D. 1913.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 167

AN ACT

TO APPROPRIATE FIFTEEN THOUSAND ($15,000.00) DOLLARS TO FACILITATE AND EXPEDITE THE GRANTING OF CERTAIN PREFERENCE RIGHTS ON THE GOVERNMENT LANDS OF PIIHONUA AND WAIAKEA, SOUTH HILO, COUNTY OF HAWAII, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifteen thousand ($15,000.00) dol-

lars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory to be expended by the commissioner of public lands, with the approval of the governor, to facilitate and expedite the granting or preference rights and opening of homesteads on the government lands of Piihonua and Waiakea, South Hilo, County of Hawaii, Territory of Hawaii, by the purchase of the right, title and interest of the Waiakea Sugar Company and John T. Baker in and to the said lands, or portions thereof.

SECTION 2. Any such moneys so expended shall be, as nearly as may be, repaid to the Territory by the preference right holders or homesteaders out of and from the proceeds of the sale of the said land; it being the intent of this Act that the cost of facilitating and expediting the granting of such preference right and homestead rights shall not finally be borne by the Territory.

SECTION 3. All sales shall be upon term payments of ten per cent of the purchase price of said land, and ten per cent at the end of six months after the first payment, and twenty per cent annually thereafter until the purchase price is fully paid; deferred payments to bear interest at the rate of six (6%) per centum annually.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 168

AN ACT

MAKING APPROPRIATIONS OUT OF GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1915.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated, for the objects hereinafter expressed, for the biennial period ending June 30, 1915, out of moneys in the Treasury received from the general revenues:

THE GOVERNOR.

Military Department:		
Adjutant General ($150.00)	$ 3,600.00	
Clerk and Assistant ($75.00)	1,800.00	
Janitor and Armorer ($40.00)	960.00	
Pay, Officers and Enlisted Men on Active Duty	7,500.00	
Expenses	10,000.00	$23,860.00

THE SECRETARY.

Clerks, Assistants, Stenographers, Messengers, Governor's and Secretary's Offices ($425.00)	$10,200.00	
Expenses, Governor's and Secretary's Offices	3,600.00	
Printing, binding, indexing, advertising	1,200.00	15,000.00
Hawaiian Birth Registration:		
Expenses of		6,000.00

Elections:		
Expenses		10,000.00
Public Archives:		
Librarian ($175.00)	$ 4,200.00	
Expenses, copying, translating, printing, binding	6,000.00	10,200.00
Library of Hawaii:		
Maintenance		20,000.00
Hilo Public Library, Maintenance		6,000.00
Provided that it becomes a branch of the Library of Hawaii according to Act 83 of the Sessions Laws of 1909.		
Officials and other Distinguished Visitors:		
Entertainment and expenses		5,000.00
Promotion:		
Support of		12,000.00

PENSIONS.

Mrs. Emma Barnard ($20.00)	$ 480.00	
Mrs. Mary Stolz ($20.00)	480.00	
Mrs. Mahelona ($20.00)	480.00	
Mrs. Lilinoe Kea ($20.00)	480.00	1,920.00

To be drawn monthly.

ATTORNEY GENERAL'S DEPARTMENT.

Attorney General ($350.00)	$ 8,400.00	
Deputy ($300.00)	7,200.00	
Clerk ($100.00)	2,400.00	
Stenographer ($125.00)	3,000.00	
Expenses	9,000.00	30,000.00

High Sheriff and Territorial Prison:		
High Sheriff and Prison Warden ($225.00)	$ 5,400.00	
Deputy High Sheriff and Clerk ($150.00)	3,600.00	
Deputy Warden of Prison ($125.00)	3,000.00	
Guards and Lunas of Prisoners	43,200.00	
Expenses, Maintenance of Prisoners	68,000.00	123,200.00

AUDITING DEPARTMENT.

Auditor ($300.00)	$ 7,200.00	
Deputy Auditor ($225.00)	5,400.00	
Clerks ($350.00)	8,400.00	
Expenses	3,000.00	24,000.00

TREASURY DEPARTMENT.

Treasurer ($300.00)		$ 7,200.00	
Registrar of Public Accounts ($250.00)		6,000.00	
Deputy Bank Examiner and Clerk ($250.00)		6,000.00	
Clerks, Stenographers, Assistants ($416 2/3)		10,000.00	
Expenses:			
Treasurer's Office	$ 6,000.00		
Insurance Law	1,500.00		
Official Bonds	3,500.00	11,000.00	40,200.00
Interest, Commission, Expenses Public Debt			650,000.00
Bureau of Taxes:			
All Divisions:			
Tax Books and Blanks	6,000.00		

First Taxation Division, Oahu:			
Assessor ($250.00)	$ 6,000.00		
Deputy Tax Assessor ($200.00)	4,800.00		
Deputy Assessors, Collectors, Clerks, Interpreters, Commissions and Expenses	60,000.00	70,800.00	
Second Taxation Division, Maui, Etc.:			
Assessor ($225.00)	$ 5,400.00		
Deputy Assessors, Collectors, Clerks, Interpreters, Commissions and Expenses	24,000.00	29,400.00	
Third Taxation Division, Hawaii:			
Assessor ($225.00)	5,400.00		
Deputy Tax Assessors, Collectors, Clerks and Commissions, including Expenses	34,000.00	39,400.00	
Fourth Taxation Division: Kauai and Niihau:			
Assessor ($225.00)	5,400.00		
Deputies, Clerks, Interpreters, Commissions and Expenses	19,000.00	24,400.00	170,000.00

Provided, however, that for and during the half year ending December 31,

1913, there shall not be expended for the above purposes under the bureau of taxes more than one-fourth of the amounts specified for such purposes in Act 155 of the Laws of 1911, or any part of the amounts hereinabove set forth under the bureau of taxes for purposes other than those so specified in said Act 155.

Bureau of Conveyances:		
Registrar ($250.00)	$ 6,000.00	
Deputy Registrar ($165.00)	3,960.00	
Searcher of Records, Expert Indexer, Clerks	30,000.00	
Expenses	4,000.00	43,960.00

COLLEGE OF HAWAII.

Salaries, Pay Roll and Expenses	$20,000.00	
New buildings, grading and other improvements	3,000.00	23,000.00

PUBLIC WORKS.

Superintendent of Public Works ($350.00)	$ 8,400.00	
Officers, Employees, Expenses	27,500.00	
Water and Sewer Rates for all Territorial Departments	6,000.00	41,900.00

Government Property, Capitol and Judiciary Buildings and Grounds:		
Caretaker ($75.00)	$ 1,800.00	
Guards (3 at $60.00)	4,320.00	

Janitors (5 at $45.00)..	5,400.00		
Laborers (6 at $40.00)..	5,760.00	17,280.00	
Keeper, Mausoleum ($60.00)		1,440.00	
Maintenance, Additions, Government Property:			
Oahu	10,000.00		
Hawaii	3,000.00		
Including an addition to the powder and kerosene warehouse, Hilo.			
Maui	2,000.00		
And for addition to Wailuku Armory for store room.			
Kauai	500.00	15,500.00	
Flags for Court and School Houses..		500.00	
Telephone Exchange, Capitol and Judiciary Buildings		4,296.00	
Sidewalks, Territorial Lots		2,500.00	41,516.00
Keeper, Powder Magazine, Honolulu..			1,800.00

HARBOR COMMISSION.

Engineer ($250.00)			6,000.00
Officers, Employees, Expenses			6,000.00
Landings and Wharves:			
Foreman ($125.00)		$ 3,000.00	
Sweeping ($150.00)		3,600.00	
Maintenance, Additions:			
Oahu	$35,000.00		
Hawaii	18,000.00		

Including Hoopuloa, $3,000.00, and Hookena, $1,500.00.			
Maui, Molokai and Lanai	8,000.00		
Kauai	6,000.00	67,000.00	73,600.00
Harbor Master, Honolulu:			
Harbor Master ($200.00)		$ 4,800.00	
Assistant Harbor Master ($150.00) ..		3,600.00	
Expenses		500.00	8,900.00
Pilots:			
Honolulu.			
Pilots (3 at $200.00)		$14,400.00	
Watchmen ($65.00)		1,560.00	
Watchman, Diamond Head ($75.00)..		1,800.00	
Employees and Expenses		10,000.00	27,760.00
Hilo.			
Pilot, Gunpowder and Kerosene Oil Keeper ($200.00)		$ 4,800.00	
Pilot Boy ($40.00)		960.00	
Assistant Gunpowder and Kerosene Oil Keeper ($35.00)		840.00	
Expenses		500.00	7,100.00
Kahului.			
Pilot, Gunpowder and Kerosene Oil Keeper ($200.00)		$ 4,800.00	
Expenses		3,600.00	8,400.00

PUBLIC LANDS.

Commissioner of Public Lands ($300.00)		$ 7,200.00	

Officers, Employees, Expenses	30,000.00	37,200.00
Land Board:		
Secretary	$ 1,200.00	
Expenses	1,000.00	2,200.00

SURVEY.

Surveyor ($275.00)	$ 6,600.00	
Officers, Employees, Expenses	30,000.00	36,600.00

All of the expenditures of the Board of Agriculture and Forestry, not otherwise provided for by law, shall be paid from the Conservation Fund.

BOARD OF HEALTH.

General:		
President ($325.00)	$ 7,800.00	
Secretary, Clerks, Stenographers, Janitors, Messengers, Expenses	27,500.00	35,300.00
Sanitation:		
Sanitary Engineer ($250.00)	$ 6,000.00	
Chief Sanitary Inspector, Oahu, ($200.00)	4,800.00	
Chief Sanitary Inspector, Hawaii, ($200.00)	4,800.00	
Chief Sanitary Inspector, Maui, ($150.00)	3,600.00	
Chief Sanitary Inspector, Kauai, ($150.00)	3,600.00	
District Sanitary Inspector, Oahu, ($100.00)	2,400.00	
District Sanitary Inspector, Hawaii, ($100.00)	2,400.00	

Two Assistant District Sanitary Inspectors, Hawaii, ($180.00)	4,320.00	
District Sanitary Inspector, Maui, ($90.00)	2,160.00	
District Sanitary Inspector, Kauai, ($90.00)	2,160.00	
Sanitary Inspectors, Honolulu	30,000.00	
Three Sanitary Inspectors, Hilo ($80.00 each)	5,760.00	
Clerk, Hilo ($75.00)	1,800.00	73,800.00
Expenses, Territory		12,500.00
Pure Food:		
Food Commissioner and Analyst ($250.00) .....$	6,000.00	
Assistant ($90.00)	2,160.00	
Expenses	3,000.00	11,160.00
Medical and Quarantine Services and Supplies:		
Bacteriologist and Pathologist, Oahu, ($200.00) .....$	4,800.00	
Bacteriologist and Pathologist, Hawaii	4,800.00	
Laboratory Assistants, Territory	4,000.00	
Laboratory Equipment and Expenses..	4,000.00	
Pay of Government Physicians:		
Provided, however, that no salary shall be allowed or paid unless the physicians employed or appointed in the several districts to which they are appointed shall treat the indigent sick free of charge, in such district or districts as the case may be to which they are appointed.		

Hawaii	$19,000.00		
Maui and Molokai	10,000.00		
Kauai	6,600.00		
Oahu	6,600.00	42,200.00	
Bureau of Child Hygiene		2,000.00	
Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies and Suppression of Contagious Diseases		48,000.00	
Prevention and Cure of Tuberculosis		38,000.00	
Aid to Leahi Home		24,000.00	
Aid to Puumaile Home, Hilo		8,400.00	
Aid to Maui County Farm and Sanitarium		6,000.00	
Aid to Tuberculosis Ward, Lihue Hospital, Kauai		2,400.00	
Aid to Tuberculosis Ward, Waimea Hospital, Kauai		2,400.00	
Vaccination Supplies		3,450.00	
Rat Campaign, Territory		24,000.00	
Mosquito Campaign, Territory		30,000.00	
Repairs, Alterations, Extension, Equipment, Quarantine Station, Honolulu		4,000.00	
Repairs, Alterations, Extension, Equipment, Quarantine Station, Hilo		2,000.00	
Erection, Equipment, Maintenance, Morgue, Hilo, to be built under the direction of the Board of Health		3,500.00	247,950.00
Care of Lepers and their Children:			
Medical and Surgical Supplies, Treatment and Equipment		60,000.00	
General Pay Roll		70,000.00	

Segregation, Hospitals, Maintenance, Rations and Improvements	203,500.00	
Amusements	2,000.00	
Moving Picture Room, Kalihi Hospital	500.00	
Sheriff and Police ($120.00)	2,880.00	
Road Repairs	4,500.00	
Store	65,000.00	
New Buildings	25,000.00	
Postage and Freight	3,000.00	
Live Stock	750.00	437,130.00
Kapiolani Girls' Home:		
Pay Roll	6,000.00	
Maintenance	14,000.00	
Kalihi Boys' Home:		
Pay Roll	7,000.00	
Maintenance	13,000.00	40,000.00
Insane Asylum:		
Superintendent ($200.00)	$ 4,800.00	
Pay Roll	45,000.00	
Maintenance	57,500.00	
Buildings	10,000.00	117,300.00

JUDICIARY.

Supreme Court:		
Clerk ($175.00)	$ 4,200.00	
Assistant Clerk ($125.00)	3,000.00	
Stenographer and Clerk ($150.00)	3,600.00	
Bailiff and Librarian ($100.00)	2,400.00	
Law Books	2,000.00	
Compiling, Publishing, Binding Reports	2,000.00	
Expenses	1,300.00	18,500.00

Land Registration Court:		
Expenses		4,000.00
District Court, Kalawao:		
Magistrate ($25.00)	600.00	
Expenses	25.00	625.00

PUBLIC UTILITIES COMMISSION.

Public Utilities Fund	5,000.00

GENERAL.

Contingent Fund, from which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific appropriation or an insufficient specific appropriation is made herein or otherwise, a detailed account of all which expenditures shall be submitted to the next Legislature. Provided, however, that no expenditure shall be made out of this fund to increase any salary.....	50,000.00
Grand Total	$2,566,581.00

SECTION 2. This Act shall take effect on the first day of July, 1913.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 169

AN ACT

AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS TO CONSTRUCT A ROAD THROUGH HOMESTEAD LOTS IN PUKELE, PALOLO VALLEY, HONOLULU, AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, in April, 1905, certain public lands situate in Pukele, Palolo Valley, Honolulu, said lands being a part of the Pukele-Waiomao mauka subdivision, were opened for homestead settlement under right of purchase leases, and all of said lands were taken up and settled thereunder, being lots seventeen (17) to twenty (20), inclusive; and

WHEREAS, in the survey of said lands there was located, and in the leases to said lots there was reserved, a thirty foot road through said lots seventeen (17) to twenty (20), inclusive, which said reservations have been made in the patents issued for said lots; and

WHEREAS, the purchase money for said lots seventeen (17) to twenty (20) has been turned into the general fund of the Territory, and there is no sufficient road for ingress to or egress from said lots; Now, Therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The superintendent of public works is hereby authorized and directed to contract for the relocation and construction of a fourteen (14) foot road through lots seventeen (17) to twenty (20), inclusive, in the Pukele-Waiomao mauka subdivision, Palolo Valley, Honolulu, commencing at the beginning of the said lot seventeen (17) and extending out and along or through the routes reserved and mapped in the patents issued for said lots to and inclusive of said lot twenty (20), but in

no case shall he contract for an amount in excess of the sum hereinbelow appropriated therefor.

SECTION 2. The sum hereinbelow appropriated shall be disbursed on warrants drawn by the Auditor, based upon vouchers approved by the superintendent of public works, who shall have charge of the construction of said road.

SECTION 3. The sum hereinbelow appropriated shall become immediately available, and the construction of said road shall be commenced as soon as the contract herein provided therefor shall be made.

SECTION 4. There is hereby appropriated out of any moneys in the general fund of the Territory, not otherwise appropriated, the sum of fifteen hundred dollars ($1500.00) for the carrying out of the provisions of this Act.

SECTION 5. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 170

AN ACT

TO AMEND SECTIONS 1 AND 2 OF ACT 166 OF THE LAWS OF 1911, PROVIDING FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 166 of the Laws of 1911, providing for public improvements, is hereby amended so as to read as follows:

"Section 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.

1.	Honolulu Water Works....	$500,000.00	
1a.	Honolulu Sewers	150,000.00	
2.	To condemn and acquire for the use and benefit of the Territory of Hawaii, rights in springs as well as waters of Pauoa Stream and Valley, and in Pacific Heights water and water works, and in such undeveloped land, mauka of the spring known as Kahuawai, which surround sources of such water or water-leads thereof, as may, in the opinion of the superintendent of public works, be necessary for insuring the purity of such water, and in necessary rights of way to pipe the water out, at a price not to exceed.....	100,000.00	
3.	To condemn and acquire certain water shed and water rights in Palolo Valley and construction of reservoir and pipe line thereto....	80,000.00	830,000.00

WHARF AND HARBOR IMPROVEMENTS.

(To be expended under the direction of the Harbor Commission)

4.	Honolulu (including purchase of marine railway land)	800,000.00	
5.	Hilo; on condition that the Hilo Railroad Company enters into an agreement satisfactory to the Harbor Commission to extend its railroad to such wharf and thereafter operate it to such wharf as a common carrier for a term not less than ten years.....	340,000.00	
6.	Hilo Wharf Approach from Waiakea	25,000.00	
7.	Napoopoo (Wharf and Shed)	12,416.95	
8.	Kihei	15,000.00	
9.	Waikane	7,500.00	
9a.	Kaneohe, Oahu	7,500.00	
9b.	Kailua, North Kona, Hawaii	12,500.00	
9c.	Keauhou, Kona, Hawaii ...	2,500.00	
9d.	Kauai	26,000.00	
9e.	Pukoo, Molokai	2,000.00	
10.	Lahaina, or vicinity, on condition that the Board of Harbor Commissioners, upon investigation, locate a suitable site.....	150,000.00	1,400,416.95

NEW BUILDINGS, ADDITIONS, EQUIPMENT AND OTHER IMPROVEMENTS, AS FOLLOWS:

11.	Library of Hawaii	25,000.00	
12.	College of Hawaii.....	75,000.00	
13.	Girls' Industrial School....	40,000.00	
15.	Boys' Industrial School....	30,000.00	
16.	Lahainaluna School	25,000.00	
16a.	Road, Lahaina to Lahainaluna School	21,500.00	
17.	Insane Asylum	50,000.00	
18.	Prison	75,000.00	
19.	Kalihi Hospital	25,000.00	
19a.	Board of Health Buildings, Hilo	10,000.00	
19b.	Armory, Honolulu, on condition that a suitable site be obtained therefor.....	100,000.00	
19c.	Armory, Lahaina	10,000.00	
19d.	Kapiolani Park Improvements .... Providing a sufficient amount shall be expended for the boring of an artesian well with the consent and advice of the Board of Supervisors of the City and County of Honolulu.	12,000.00	
19e.	Reclamation government swamp lands, Lahaina...	35,000.00	
19f.	Addition to South Hilo Court House	4,090.31	537,590.31."

SECTION 2. Section 2 of Act 166 of the Laws of 1911, providing for public improvements, is hereby amended so as to read as follows:

"Section 2. The following sums also are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated.

CONSTRUCTION OF BELT ROADS AND BRIDGES:

20.	City and County of Honolulu	200,000.00	
21.	County of Maui	370,000.00	
22.	County of Hawaii.....	600,000.00	
	Of which so much as may be necessary, not exceeding $30,000, shall be expended on the road from the City of Hilo to the boundary between the Districts of South Hilo and Puna. Provided, however, that all unexpended of the above appropriation shall be expended for the construction of the belt road portion of Keamoku between Waimea, South Kohala and North Kona, Hawaii.		
23.	To complete belt road of Hawaii, from Pohakupuka to Honokaa	100,000.00	
24.	County of Kauai	100,000.00	1,370,000.00

COUNTY AND CITY AND COUNTY IMPROVEMENTS:

City and County of Honolulu:

25.	Land damages, widening and macadamizing Frog Lane, from School Street to Kuakini Street		963.73

County of Maui:

27.	Completion of the Kula Pipe Line and its branches, extending the main line from Waiakamoi to water head in Puohokamoa, the building of reservoirs at Waiakamoi, at or near Paliuli and Kookea	50,000.00	
28.	Construction of reservoir at or near Olinda, and burying Kula pipe line	50,000.00	
29.	Other new water works....	30,000.00	

County of Hawaii:

30.	Kau Water Works; Pipe Line from Waiohinu Springs to Kamaoa Homesteads, via Kiolokaa and Keaa Homesteads, and branch lines	5,000.00	
31.	Purchase of water shed, Hilo, from the Hawaiian Board of Missions	7,500.00	
32.	Waiohinu	5,000.00	
33.	Kamuela Water Works	3,000.00	
34.	Honokaa Water Works	5,000.00	155,500.00

SCHOOL BUILDINGS AND EQUIPMENT, AS FOLLOWS:

City and County of Honolulu:

35.	Kaimuki	60,000.00	
36.	Pohukaina	30,000.00	
37.	Kauluwela	30,000.00	
38.	Kalihi-kai	8,000.00	
39.	Kahaluu	2,000.00	130,000.00

County of Maui:

40.	Lahaina	30,000.00	
41.	Miscellaneous School Buildings and additions	20,000.00	50,000.00

County of Hawaii:

42.	Hilo Union	65,000.00	
43.	Napoopoo	8,000.00	
44.	Keaiwa, Kau	3,000.00	76,000.00

County of Kauai:

45.	Eleele	20,000.00	276,000.00

COUNTY BUILDINGS:

City and County of Honolulu:

46.	Waialua Court House, Jail and Jailor's Cottage.	6,000.00	
47.	Purchase site and new Court House, Jail and Jailor's Cottage, Ewa...	10,000.00	16,000.00

County of Hawaii:

48.	Hospital and building at Popopiia, Kona.....	7,500.00	
49.	Hospital, N. Kohala	5,000.00	12,500.00

County of Kauai:

50.	County Building, Lihue...	60,000.00	88,500.00
	Total		$4,658,970.99."

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1913, except as to the following items, which I do not approve and hereby veto:

"23.	To complete belt road of Hawaii, from Pohakupuka to Honokaa	$100,000.00
28.	Construction of reservoir at or near Olinda, and burying Kula pipe line	50,000.00
34.	Honokaa Water Works	5,000.00."

WALTER F. FREAR,
Governor of the Territory of Hawaii.

JOINT RESOLUTION NO. 1

JOINT RESOLUTION

RELATING TO RECEIVING AND PAYING HOURS OF THE TREASURY OF THE TERRITORY OF HAWAII, ADDING A NEW PROVISION TO JOINT RESOLUTION NO. 3, APPROVED APRIL 3RD, 1909.

BE IT RESOLVED by the Senate and House of Representatives of the Territory of Hawaii that the receiving and paying hours of the treasury of the Territory of Hawaii, within the hours specified for public business on business days by Joint Resolution No. 3 of the 1909 Legislature of the Territory of Hawaii, approved April 3rd, 1909, except as otherwise directed or permitted by the treasurer or head thereof, be from 9 o'clock in the morning to 3 o'clock in the afternoon, excepting on Saturdays, when it may close at noon.

Approved this 30th day of April, A. D. 1913.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

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